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Journal of the House of Representatives

Adjourned session commencing on the 1st day of November A D 1875

The hour of 12 M having arrived the House was called to order by the Speaker Hon A A Pennington —

The roll was called and the following named members answered to their names —

Anderson (Howard)
Baird
Barrett
Bone
Boston
Bragg
Bright
Brownlow
Bruce
Cearley
Cleveland
Colwick
Coleman
Cordell
Cothran
Davis
Donnican
Dowell
Foster
Fullen
Gardenhire
Gentry

Heill (Calhoun)
Heill (Jefferson)
Hoover
Humphrey
Jones
Judkins
Little
Love
Maxwell
McConnell
Miller
Morgan
Moore (Union)
Orr
Patton
Pow
Polk
Putman
Rice
Ruddle
Rennfah
Russell

Sadler
Sanders
Saylor
Shamble
Wall
Warren
Wells (Drew)
Wildenger
Williams
Mr Speaker

A Quorum of the House present

Prayer by Rev. S R Winfield of the Methodist Episcopal Church

Mr Russell of Saline introduced the following resolution

Mr Speaker:

I move that a committee of three be appointed by the chair and in conjunction with a like committee appointed on part of the Senate to wait upon his Excellency the Governor and inform him that a quorum of both houses are in session and ready to receive any communication he may desire to make.

Which was adopted.

The Speaker announced the following as the committee to wait on His Excellency the Governor in accordance with the resolution.

Messrs
Russell. Jones and Collins.

Representative Mr Drake from the county of Cross came forward and presented his credentials as duly elected to fill the vacancy occasioned by the death of the Hon Grandison M Sharp.

The oath of office was administered by Hon E. H. English Chief Justice of the Supreme Court of the State of Arkansas and Mr Drake was admitted to his seat as a member of the House.

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On motion of Mr Bragg a committee of two was appointed by the Speaker to wait upon the Senate and inform that body that the House was prepared to proceed to business.

The Speaker appointed Messrs Bragg and Scarlett as said Committee.

On motion of Mr McConnell leave of absence for ten days was granted Hon R T. Kerr on account of sickness in his family.

On motion of Mr Browning leave of absence for one week was granted Chas Weir of Leland.

On motion Mr Humphrys. Mr Wells of White was granted leave of absence for three days.

On motion of Mr Parrish Mr Arana was granted leave of absence for two weeks.

On motion of Mr Moore of Union leave of absence was granted for one week to Mr McRia.

Mr Bragg chairman of committee to wait on the Senate reported having performed that duty.

A Committee of the Senate appeared at the bar of the House and being admitted announced by their chairman Hon. T. J. Pindall, that the Senate was in session and was ready to proceed to the transaction of business.

Mr Taylor introduced the following resolution

Whereas it has pleased God to take from our body by the hand of Death our beloved fellow member from the County of Cross the Hon G W Sharpe and.
Whereas it is right and proper that we should place upon record an appropriate memorial of one known to all of us for his purity of life and his eminent usefulness not only to his immediate constituents whose interests he at all time guarded with unusual zeal and ability but to the people of the entire State in whose behalf in the hour of their greatest peril he struggled against a common enemy therefore;

Be it resolved by the House of Representatives of the

State of Arkansas, the Senate concurring.
That we bow in humble submission to this stroke of Providence recognizing in it but another reminder of the uncertainty of life and the certainty of death.
Resolved that we commemorate with pleasure the many excellencies of character of our departed co laborer and while we feel a lively sorrow for his loss we commend his sterling character to ourselves and to the people of our State as a model worthy of emulation. He was truly a man among a thousand, pure in heart honorable and upalled in his daily walk, and with a reputation above reproach.
Resolved: that a copy of these preambles and resolutions be forwarded by the Clerk of the House to the family of the deceased (with whom we sympathize in their great affliction) and that the same be published with the proceedings of this General Assembly as a lasting memorial of our departed friend.

George P Taylor of St Francis
Alexander Russel of Saline

Which on motion of Mr Browning of Clark was unanimously adopted.

Mr Trimble gave the following notice

Mr Speaker:

I hereby give notice that I will on tomorrow ask an amendment to the thirty ninth rule of the House of Representatives

Mr Russel Chairman of the committee on the part of the House appointed to wait on His Excellency the Governor made the following report.

Mr Speaker:

Your committee appointed by the House to act with a similar Committee from the Senate to wait on His Excellency the Governor to announce the General Assembly organized and ready for business and ascertain from him at what time it would please him to make any communication

to the body, beg leave to report that in pursuance of your instructions we have waited on the Governor and he informs us that on to-morrow the 2d inst at 11 A M, he will be ready to send his message to the joint session of both Houses.

Then at 10 o'clock and 45 minutes P M the House on motion of Mr Wells of Dew, in respect to the memory of the late Hon L Grandison M Sharpe; adjourned until 10 o'clock A M to-morrow.

J. M. Goulding
Clerk

A. A. Pennington
Speaker

Tuesday Morning
November 2nd 1875

The House met pursuant to adjournment

The Roll was called and the following named members answered to their names.

Anderson (Howard)	Lochran	Fulton
Baird	Cleaveland	Gardner
Baker	Clinch	Gillis
Barrett	Coleman	Green
Cox	Collins	Hannah
Boston	Copeland	Hecadlee
Bradford	Davis	Hill (Calhoun)
Bragg	Dodson (Newton)	Hill (Jefferson)
Bright	Drake	Hoover
Browning	Durham	Hennyshaw
Burns	Dowell	Jones
Casey	Foster	Judkins

Kerr	Polk	Slaughter
Little	Powell	Spangler
Love	Putman	Taylor
Maxwell	Price	Trimble
Mcclennell	Robinson (Monroe)	Venable
Miller	Ruddle	Wall
Morgan	Rumph	Wann
Moore (Union)	Russel	Wells (of Drew)
Orr	Sadler	Wells (of White)
Patton	Sanders	Wildberger.
&c.	Shinn	Williams. Mr Speaker

Quorum present.

Prayer by the Rev Mr Mackey Chaplain

The Journal of the preceding day was read and approved.

On motion of Mr Durham leave of absence was granted J B Riley Enrolling clerk of the House, for ten days.

On motion of Mr Heanna leave of absence was granted Mr for one week.

On motion of Mr Love leave of absence was granted Mr Dodson of Randolph for one week.

Mr Moore of Carroll was granted leave of absence for two weeks

Mr Norwood was granted leave of absence for ten days.

Mr Frazier was granted leave of absence for one week

Messers Rhea and Wolf, were granted leave of absence for one week.

Under the head of unfinished business the House passed to the consideration of H R - No, 214 "An act authorizing the Governor to appoint Representatives to the Centennial Celebration to be had at the city of Philadelphia. Penn on the 4 "day of July. A D. 1876"

On motion of Mr Browning the Bill was ordered Engrossed and made special order of the day for 11 A M tomorrow -

Mr Durham asked and obtained leave to introduce H R No 36 For the admittance of W H Eagle as a member from the county of Miller "

The Resolution was read the first and second time and on motion of Mr Orr referred to the Committee on Judiciary under suspension of the rules for that purpose, Mr Collins introduced the following Resolution.

Mr Speaker =

I move that the House go into Joint Session at five minutes before 11 A M with the Senate for the purpose of receiving the Governor's Message and that a committee of three be appointed to notify the Senate that the House will be ready to receive them at that time.

Which was adopted and the Speaker announced the Committee as follows =

Messrs Collins, Rice and Jackins.

Mr Lellewland introduced the following resolution -

Resolved - That the Secretary of State be requested to furnish each member of the House of Representatives with a copy of the Acts of 1874 & 1875.

Which on motion of Mr Shumble was adopted.

Mr Little under a suspension of the rules introduced H C M. No 36 "Memorializing the Congress of the United States for an appropriation to make navigable Arkansas, Washita & Red River's". Which was read the first and second time and on motion of Mr Little 240 Copies were ordered to be printed and the Memorial referred to the Committee on Memorials -

Mr Durham introduced H C R No 37 "A Memorial to the Congress of the United States asking that a Territorial Government be established for the Indian Territory"

Which was read the first and second time and made the special order of the day for 11, 30 A M, to-morrow.

A message from the Senate by Maj J W Stanton Secretary.

Senate Chamber
Nov 1st 1875.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Concurrent Resolution No 39.

A Resolution in regard to the death of Hon C J M. Pollard Senator from the 7th Senatorial District. and herewith respectfully submit the same for your consideration.

Thomas H Newton Secretary

Also a further message from the Senate.

Senate Chamber
Nov 1st 1875-

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the rejection by the Senate of House Bill No 192 entitled An Act to allow contracting parties to waive their rights under the exemption laws of this State.
Also the indefinite postponement of House Bill No 37. entitled An act to amend Section 2301 of Gantts Digest.
Also the indefinite postponement of House Bill No 21 entitled A Bill to regulate the sale of property under execution.
also the indefinite postponement of House Bill No 46 entitled An act fixing the compensation of the County Boards of election, Supervisors and Judges and Clerks of the election 13th October 1874. Also, the indefinite postponement of House Joint Resolution No 26 entitled. A Joint Resolution to adjourn Sine-die March 10th 1875-
Also the indefinite postponement of House Bill No 97 entitled An Act to compel a proper register of County Offices except in certain Counties.
Also the indefinite postponement of House Bill No 99 entitled

An act to employ a Special Attorney to investigate the settlements of Collectors, Auditors and Treasurers of the State of Arkansas since the year 1860 and to investigate the financial condition of Arkansas. and therewith

respectfully return all of the same.

Thomas H. Needham
Secretary.

Mr McConnell gave the following notice.

Mr Speaker:

I hereby give notice that I will on to-morrow or soon thereafter introduce a Bill to be entitled "An Act to authorize the county and probate Judges of this State to draw their Salaries and for other purposes.
Also a bill for an Act entitled "An Act to amend an act to relieve the Tax-payers of this State and to suspend the enforcement of the collection of taxes for the years 1873 and 1874.
Also a bill to be entitled "An act to change the time of holding Court in the fifth Judicial circuit.

The House then passed to the consideration of the regular order of business being the consideration of H R No 57 "An Act to encourage Sheep raising in Arkansas.

Which on motion of Mr Little was made the Special order for 11, A M, on Thursday next.

The House then passed to the consideration of House Bill No 113 "A bill to fix the fees of officers."

On motion of Mr Little the House in order to prepare for the reception of the Senate in joint-convention took a recess of five minutes.

After the Recess.

Joint-Session of the two Houses.

The Senate preceded by their officers appeared within the bar of the House and were seated.
The President of the Senate in the chair.
The President of the Senate announced that the convention had met for the purpose of receiving a message from His Excellency the Governor.
The roll of the Senate was called by the Secretary and the =

Following named Senators answered to their names

Black ✓
Campbell ✓
Cast ✓
Fletcher ✓
Gray
Haycock ✓
Henderson ✓
Hicks ✓
House ✓
Jones ✓
Loughborrough ✓
McClellan
Norman ✓
Pindall ✓
Sims ✓
Shower ✓
Sobey ✓
Turner ✓
Warren ✓
Wheeler ✓
Williams ✓
The President. ✓

The roll of Representatives was called by the clerk of the House and the following members answered to their names.

Baird ✓
Anderson (Howard) ✓
Baker ✓
Barnett ✓
Barr ✓
Boston ✓
Bradford
Bragg ✓
Browning ✓
Burns ✓
Casey ✓
Cochran
Cleveland ✓
Cluck ✓
Coleman ✓
Collins ✓
Copeland ✓
Davis ✓
Dodson (Newton) ✓
Drake ✓
Dowell ✓
Foster ✓
Fullen ✓
Gardner ✓
Gillis ✓
Green ✓
Hannah ✓
Headlee ✓
Hill (Calhoun) ✓
Hill (Jefferson) ✓
Hoover
Humphrey ✓
Jones ✓
Judkins ✓
Kerr ✓
Little ✓
Love ✓
Maxwell ✓
McConnell ✓
Miller ✓
Morgan ✓
Moore (Union) ✓
Orr ✓
Patton ✓
Poe ✓
Polk ✓
Powell ✓
Putman ✓
Rice ✓
Robinson (of Monroe) ✓
Ruddle ✓
Rumph. Russel ✓

✓Sadler
✓Sanders
✓Shinn
✓Slaughter
✓Spangler
Taylor
✓Trimble
✓Venable

✓Wall
✓Wann
✓Wells (S. Dem)
Wells (S. White)
✓Waldberger
✓Williams
✓Wolf
Mr. Speaker

When it appeared that a quorum of both Houses were present in the convention.

A Message from His Excellency Governor A. H Garland was then read to the Convention by Col L. H. Wood Private Secretary.

Governor's Message.

State of Arkansas, Executive Office
Little Rock, November 1st 1875

To the Senate and the House of Representatives-
of the General Assembly of the State of Arkansas:

In assembling now, pursuant to the joint resolution of March 3rd, 1875; you find the State more prosperous than when you left the capital at the close of your arduous labors of last winter, and you and the people all have cause to rejoice at the present condition of the State, as well as her prospects for the future.

Your work of the last session has been tested, and has met the approval of the people more fully than could have been expected, as much of the legislation was experimental; and all of it had, under most trying and unfavorable circumstances. At this adjourned session it is not expected a general system of legislation will be entered into, but only so much as is actually necessary to perfect or make effectual the laws passed at the last session. I do not think it necessary or advisable to call your attention to but few points.

Finance.

The board of finance named at the last session partly negotiated a loan of money sufficient to defray the current expenses of the government for one year from July 1st, 1875, to July 1st 1876, but the parties offering to loan the State this money were not satisfied that

board had the power to bind the State by proper writings, or the authority to pledge or hypothecate the bonds of the State to secure the loan, and the money was withheld, and the negotiation delayed till legislation could be had to meet these objections. When these are removed by legislation, the money will be subject to the order of the board, to be used as already indicated. The board are satisfied that this being done, there will be no further difficulty as to money with which to carry on the government and but little if any scrip need be issued, and the board recommend the passage of an act, at as early day as possible that will secure this loan.

The board are of the opinion that now it would be well to permit the new scrip or auditor's warrants and treasurer's certificates, issued since the twenty-third day of December last, to be funded, under the act of that date, entitled "An act to provide means for paying the expenses of the State government and to retire the outstanding auditor's warrants and treasurer's certificates." and they recommend a law to this effect be passed

As there is at present a large amount of money in the treasury not being used for any purpose, and as there are outstanding obligations of the State drawing large interest, the board consider it advisable that this money be used to liquidate certain obligations of the state, and they recommend legislation that will empower them to apply any moneys in the treasury from time to time not otherwise appropriated by law, to the payment of the obligations of the state, in such manner, as in the judgment of the board may best subserve the public interest; but they shall not with this money pay in whole or in part, any bonds issued prior to the first day of April, 1874.

It is clearly demonstrated that the rate of taxation is inadequate to the raising of sufficient revenue to carry on the government and meet the interest on the public debt and to support common schools, and the board recommend the revenue laws be so amended as to levy for the fiscal year beginning July 1st 1875, and annually thereafter, five mills on the dollar for defraying expenses of the government three mills on the dollar to pay the interest on public debt, two mills on the dollar to support public schools, and also a levy of one dollar per capita on every male inhabitant over the age of twenty-one years for school purposes.

=the two last items now being provided for by law.
For a more complete and satisfactory working of the finance measures of last session, the board of finance should be authorized to sell any of the bonds provided for in such act, for cash; or any of the warrants of the Auditor, or treasurer's certificates now out standing, at par - sales for moneys to be at not less than sixty per centum of their par value, and in sales for warrants or certificates the bonds to be estimated at par; and to this extent they recom= =mend the finance bill be amended.

The claim of L L Johnson and D H Reynolds, which was referred to the board of finance by joint resolution approved March 6" 1895; has been fully considered by the board, and it is found they are entitled to the sum of $34,184,20, with six per= -cent interest from March 1" 1872; and it is recommended this be allowed them, as a set off against any liability accrued to the state upon any of the mortgages executed for stock in the Real Estate bank in which these claimants or their assigns or the contractors under them hold the equity of redemption. The papers and documents relative to the claim as well as the report of the board are submitted herewith.

Landed Interests of the State.

Under the act of congress of September 28" 1850, known as the swamp land act, a large amount of lands was selected which was after= =ward disposed of by the United States. Upon proper proof that any lands thus selected came within the provisions of the grant under that act, the general government will refund to the state in case of cash entry, the amount of purchase money, and an equivalent in lands for tracts located with military bounty warrants or scrip. It is very impor= =tant to the State that this proof be furnished, and a settle= =ment of all such cases be had as soon as possible; and I recommend the passage of a law authorizing the Com= =missioner of State lands to employ an agent, with full powers to accomplish these ends.

In order to expedite as well as simplify the control and management of the land department, I think it advisable to permit the commissioner to make deeds him= =self to the parties entitled thereto, for any seminary, saline, swamp or internal improvement lands.

Last winter I sent you a message upon the subject of creating a bureau of agriculture, mining and manufacturing

The importance of this step can-not well be overestimated and I ask a consideration at your hands of the suggestions then made, as subsequent reflection has served to strengthen the conviction I then expressed to you.

During the last session a communication from Messrs Pike & Johnson, attorneys of Washington City relative to matters of importance to the State, growing out of and connected with her landed interests, was referred to the committee of the Senate on Auditor's and Treasurer's books. The committee waited upon me for any information I might have touching these subjects, and for such suggestions as I might see proper to make. I addressed a communication to the committee containing all the facts I possessed, and recommended the employment of those gentlemen to attend to and prosecute all the claims and rights of the State of the character named and referred to. I now earnestly renew that recommendation.

Blind Institute.

I submit to you the report of the trustees for the management of the Institute for the Education of the Blind, and request its consideration in connection with another report therein referred to, presented at your last meeting. This Institute has had a severe struggle to maintain itself, but it is gratifying to know that it has not suspended, but it has continued to work with good results amid great difficulties and trials which are fully set forth in the report presented. The trustees ask for an appropriation and accompany the request with a statement which I think entitles them to it, and I hope it will be your pleasure to grant the same.

Penitentiary

A recent investigation into the management of the Penitentiary discloses the fact that a change is needed in that institution. I transmit to you a full report of that investigation, and ask a careful consideration thereof. The buildings and the grounds are too small for the number of convicts confined there and this number is now being increased almost daily; besides the buildings are out of repair and ill adapted for the uses they are devoted to. During the last summer the Commissioners attempted to remedy in part these defects; but

receiving no bids to do the work, nothing was accomplished in this direction. The working of the convicts outside of the walls is a great evil, and legislation should be had to put an end to this at the earliest practicable moment. As the first step toward this, it will be necessary to enlarge the grounds to about twice their present area which if I mistake not can be done by agreement with the trustees of the blind institute as to ground sufficient on the south, as embodied in a bill which originated in and was passed by the house, last winter, but was not acted on in the senate. When the grounds are enlarged, additional buildings sufficient for the safe keeping and comfort of the prisoners should be erected. The rules and regulations should be more direct and specific as to the time and mode of working the convicts; as to the punishment to be administered, and by whom; as to the quality and quantity of food and clothing, and the food should be more varied than it is. Doubts are entertained as to the power of the commissioners to do what is necessary to reach these various points and how far they can go in remedying existing evils. These doubts arise upon a construction of the present law itself, and also upon a construction of that law with the contract of the present lessee which is more fully referred to in the report. I recommend such legislation as will beyond all question remove these doubts and put in practical operation the suggestions here offered.

The Money of the State at Stoddards Bank.

By joint resolution of last session, this matter was referred to the attorney-general for investigation and action. In an official communication from him to me, on the subject it appears legal steps have been taken to realize this money out of the property and assets of the Stoddards, and thus far the State's right to sue and recover has been sustained by the court and her claim to priority established in an opinion of Chancellor Easton, which not only receives the approval of all who read it but challenges their admiration for its research and legal acumen. The communication of the attorney-general is herewith submitted. I feel sure this suit will be pushed with all possible zeal; and that all legal agencies of every character and description of every character and description will be used to regain this money from the Stoddards. No one need doubt. Should the State fail in this, when that failure is made known and the sureties of R. A. Newton the treasurer of

the State which this alleged deficit was made with Stoddards, as is claimed, know the amount really due, they will not wait to be sued, but will promptly meet the demand that is legally due, and pay it to the State.

County and Township Officers.

In order to make effective the provision of article 7, section 27, of the Constitution, in reference to the removal of county and township officers unfit to hold the same, I think a law should be passed providing for their suspension from office during the investigation and until the inquiry is disposed of. In some cases made known to me by the prosecuting attorneys, the object of this very wise provision in the constitution has been defeated for the want of such law.

Arkansas Industrial University.

In pursuance of an act approved March 6th 1875, I appointed six gentlemen, from different parts of the state, as a board of visitors to the Arkansas Industrial University. They attended the annual commencement in June last, and spent several days in examining into the management and discipline of the school witnessing the exercises in the different departments as well as examining the buildings, etc, and made a report to me of the results of their investigation, which report is herewith submitted. It is indeed most gratifying to see that institution in so flourishing a condition. It has outstripped the hopes and expectations of its most sanguine friends, and we should be ready to afford all reasonable aid and encouragement to it we can. I ask your attention to the different points of this report, and join the board of visitors in their recommendation for appropriations for the benefit of the University.

In this connection I desire to present a memorial to the general assembly from the county court of Washington County in reference to interest paid on bonds issued by that County to aid in erecting the buildings of this institution under the act of March 27th 1871. From this memorial and accompanying documents it appears Washington County has paid in interest on her bonds $16.000, which the State by virtue of the act referred to, should refund to her. The case is so clearly stated in this memorial I need only call your attention to it. In my opinion it would be an act of justice to grant the prayer of the Memorial.

The Centennial.

I refer to my message at last session on this subject and beg leave to renew the suggestions then made. The state commissioners and the different boards appointed by them have worked, and are now working with great industry to have our state properly represented at this exposition; but for the want of means, they have not accomplished all they desired. I have selected Hon. David Walker as the orator to speak for and in behalf of Arkansas at that time and he has kindly accepted the appointment. I think it is due the event that a suitable appropriation be made and all other steps taken by the legislature necessary to place Arkansas creditably in the list of the states and nations to be present at that national celebration.

Publication of Legal Notices.

I am satisfied there should be a change in the law in reference to the publication of legal notices. To secure a fair and faithful performance of duty on the part of sheriffs, clerks and other officers, and administrators, executors guardians, etc, where their acts are required to be made public, every possible means should be afforded to all interested of being fully informed as to their proceedings. Under the present arrangement the notices given often amount to nothing, and parties not unfrequently lose their rights when no possible diligence could have protected them. I recommend legislation on this subject to this effect: that whenever, under existing or future laws it becomes the duty in the course of legal proceedings of any court, judge, clerk, sheriff, coroner, constable, or other person, or in the administration of the laws of any state district, County, school, township, municipal or election, to make publication of any advertisement, financial or other statement, or public showing in regard to proceedings in administration, executorships, guardianships, assignments for the benefit of creditors, removal of County sites, under attachments; or concerning elections, proclamations by any executive officers, levies, escheats, executions on findgments or decrees concerning personal or real property, settlements of sheriffs, collectors, clerks, treasurers of counties, cities, districts, townships, city or town recorders, the-

appropriation or condemnation of private property to public use, or other proceeding, by posting the said advertisement in one or more public places, it shall be the duty of the Court, judge, clerk, officer, or other person charged with such duty, to cause such advertisement to be published for the length of time and within the period required by law, in some newspaper printed in the county where the proceedings transpire, if any there be, duly authorized; and if there be more such printed in such county, then according to the provisions of the act approved February 15th 1875.

Time of holding General Elections and of the Meeting of the General Assembly.

Under the law of the 23rd of January 1875, the election for State Officers and for Members of Congress is fixed for the first Monday in September, 1876, and every two years thereafter. By act of Congress the Tuesday next after the first Monday in November, in 1876, is established as the day for holding elections for members of Congress. In the course of two months, in 1876, we are to have two elections in which the entire state will be interested and will take part. I think it would be well to change the time of the State election to the same day the Congressional election is held and save the people the cost and trouble of two elections within so short a time. This would of course necessitate a change in the time of the meeting of the General Assembly. I am of the opinion for general convenience and for the convenience of members nearly all of whom are almost compelled to be at their homes during the holidays, the first or second Monday in January would be a more suitable time for the Meeting of the General Assembly. The sessions now being limited in duration to sixty days, with certain exceptions, meeting early in January would enable the members to close their labors and return to their homes by the opening of the busy or working season. And holding the election in November, the returns could not well be made up and all the necessary preparations back for the Meeting of the Legislature at a day earlier than the time named. I present these matters for your =

consideration, and submit to you the propriety of making the changes here indicated.

Very respectfully, etc.,
A. H. Garland, Governor.

On motion of Senator Hinks the Committee was then dissolved and the Senate repaired to the Senate Chamber.

The House then proceeded to regular business.

On motion of Mr. Humphries, those portions of the Governors message, indicated were confined to the Committees named-viz:-

Financial matters to the Committee on Ways & Means

The Landed interests of the State to the Committee on State Lands.

Bureau of Agriculture to the Committee on Agriculture.

Blind Institute to the Committee on Education.

That portion referring to Constables and Justices of the Peace to the Committee on the Judiciary.

Con reference to the Arkansas Industrial University to the Committee on Education.

Legal Notices to the Committee on Public Printing, and that in Regard to Elections to the Committee on Elections, respectively

Mr Patton moved that the portion of the message relative to the refunding of certain taxes paid by Washington County be referred to a Special Committee.
Which was adopted.

On motion of Mr Barrett that portion of the message in regard to the Centennial was referred to a select Committee of five to act in concert with a like Committee on part of the Senate.

Mr Wells of Drew moved that 5000 copies of the Governors Message

be printed for the use of the House.

Mr Rice moved to amend by inserting 1500 in lieu of 3000 -

Mr Kerr moved to amend the amendment by inserting 2000 copies

Which was agreed to and the motion as amended was adopted.

Mr Humphries asked and obtained leave to give the following notice -

I hereby give notice that at an early day I will introduce a bill entitled "An Act in relation to Swamp Lands

Mr Trimble moved that 500 copies of the accompanying documents to the Governors Message be Printed -

Which was adopted.

Mr Cleveland gave the following notice -

Mr Speaker:

I hereby give notice that I will on to-morrow introduce a bill to amend an act of the Legislature of 1874-75 fixing the price of State lands and for other purposes.

Mr Miller gave the following notice -

Mr Speaker:

I give notice that I will introduce a bill at an early day regulating auction sales" -

Mr Little moved to reconsider the vote by which H R. 59 was made Special order of the day for 11 a m on Thursday next -

Which was agreed to.

Then on motion of Mr Little H R No 59 was ordered referred to a Select Committee.

Mr Rice of Benton gave the following notice -

Mr Speaker:

Notice is hereby given that I will introduce a bill on to-morrow creating a Bureau of Immigration.

Mining Manufacturing.

Mr Wells of Drew gave the following notice.

Mr Speaker:

I hereby give notice that I will on to-morrow or at some early day introduce a bill to change the line between the Counties of Drew and Calvert.

Mr Clark gave the following notice -

Mr Speaker:

I hereby give notice that I will at an early day introduce a Bill in relation to School-lands.

Mr Coleman introduced the following resolution -

Mr Speaker:

I move that the Secretary of State be requested to furnish each member with a copy of the Constitution of 1874

Which after discussion was not adopted.

Mr Mann gave the following notice -

Mr Speaker:

I hereby give notice that I will at an early day introduce a bill to change the line between Sharp and Sycard Counties.

Then on motion of Mr Browning the House took a recess until 2 o'clock P.M.

After the Recess.

The House met pursuant to adjournment

The roll was called and the following named members answered to their names:

Anderson (Howard)	Baker	Bradford
Baird.	Bond	Bragg.

Bright
Browning
Burns
Casey
Cochran
Cleveland
Colbeck
Coleman
Collins
Copeland
Davis
Drake
Dodson (Newton)
Dunham
Dowell
Foster
Fulton
Gardner
Gillis.
Green
Headlee
Hill (Calhoun)
Hill (Jefferson
Hoover
Humphrey
Jenkins
Kerr.
Little
Love
Maxwell
McClennell
Morgan
Moore (Union)
Patton
Poe
Polk
Powell
Putman.
Rice
Robinson (of Monroe)
Ruddle
Rumph
Russel
Snyder
Sanders
Shinn
Slaughter
Spangler
Taylor
Trimble
Venable
Wall
Vaun
Wells (of Dew)
Wells (of White)
Wildberger. Williams
Mr Speaker.

Quorum present.

Mr Collins gave the following notice -

Mr Speaker:

Notice is hereby given that at our early day the following bills will be introduced:

1st An act to provide for the clothing &c of pupils of the Arkansas Institute for the blind.
2d An act to provide for the cancellation and reissue of school warrants.
3d An Act to amend Sec 62 Gantts Digest
4" An act to provide for the Arkansas Institute for the blind.
5" An act to amend section 879 Gantts Digest-
6" An act to amend section 2790 of Gantts Digest
7" An act to amend section 2435 of Gantts Digest
8" An act supplimental to an act for incorporation &c of Municipal Corporations approved March 4" 1875.

Mr Sadler gave the following notice

Mr Speaker:

I hereby give notice that I will on to-morrow or soon thereafter introduce a bill Amendatory of existing laws, regulating the sale of State lands and authorizing the Commissioners to execute deeds for the same.

Mr Morgan introduced the following resolution.

Resolved:

That the Sergeant at arms be required to put in order the desks of the various members of the House.

Which was adopted

Mr Copeland moved that the Secretary of State be requested to furnish each member of the General Assembly with one copy of Hunts Digest.

Which after discussion was adopted

A Message from the Senate by T H Newton their Secretary

Senate Chamber
Nov 2d 1875-

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Concurrent Resolution No 40

"A Resolution on the subject of fees and asking for the appointment of a Joint Committee" Committee on part of the Senate Hon Jo Shriver
& Mr House
Thomas Fletcher.

And herewith respectfully submit the same for your consideration.

Thomas H Newton
Secretary

Mr Browning gave the following notice -
Mr Speaker:

I give notice that I will to-morrow or soon

introduce a bill to repeal Section 102 of the Revenue Laws"

Mr Saylor of St Francis gave the following notice -

Mr Speaker:

I hereby give notice that I will at an early day introduce a bill to be entitled "An Act to incorporate the "Arkansas Home Institute" situate in St Francis Co Ark

The House then passed to the consideration of the regular order of business, being the consideration of Senate Amend=ment to House report No 148 "An Act to prohibit horse racing within certain boundaries"—

On motion of Mr Copeland the amendment was then read the third time and placed on its final passage

The question being put shall the Amendment pass?

It was decided in the affirmative

Those members voting in the affirmative were

Anderson (Howard)	Hutton	Putman
Barrett	Gardner	Rice
Bone	Gillis	Robinson (of Monroe)
Bradford	Headley	Ruddle
Bragg	Hill (Calhoun)	Rumph
Bright	Hill (Jefferson)	Russell
Browning	Hoover	Sadler
Burns	Humphrey	Shinn
Casey	Jinkins	Slaughter
Cochran	Kerr	Spangler
Cleveland	Little	Saylor
Clinck	Love	Trimble
Collins	Maxwell	Venable
Copeland	McConnell	Wall
David	Morgan	Warren
Dodson (Newton)	Moore (of Union)	Wells (of Drew
Dowell	Patton	Wildeberger
Drake	Poe	Williams
Foster.	Polk	Mr Speaker

Ayes 60 Nays 5

In the Negative = None.
Not-voting 35
92

So the Amendment was passed

The House then passed to the consideration of Senate amend-ment to H. R. No 123 "An act for the Government of Jails and Poor Houses".

The amendment was read the third time and placed on its final passage.

The question being put Shall the Amendment pass?

It was decided in the Affirmative.

Those members voting in the Affirmative were

Anderson (Howard)	Hosier	Polk
Baird	Hutton	Putman
Baker	Gardner	Rice
Barrett	Gillis	Ruddle
Booe	Headley	Rumph
Bradford	Hill (Calhoun)	Russel
Bragg	Hill (Jefferson)	Sadler
Bright	Hoover	Skinner
Burns	Humphrey	Slaughter
Casey	Jackins	Spangler
Cochran	Kerr	Stapleton
Cleveland	Little	Strimble
Cluck	Love	Venable
Collins	Maxwell	Wall
Copeland	Mcclennell	Warren
Davis	Morgan	Wells of Davis
Dodson (Newton)	Moore (of Union	Wildberger
Drake	Patton	Williams
Dowell.	Poe	Mr Speaker.

In the affirmative 54
In the Negative None
Not-voting 35
92.

So the Amendment was passed.

The House then passed to the consideration of Senate Bill No 124 "A bill to be entitled an act for the relief of purchasers of swamp and overflowed lands"
The bill was read the first and second times under a suspension of the rules and on motion of Mr Copeland was referred to the Committee on State Lands.

The House then passed to the consideration of Senate B No 216 "An Act to enable settlers and pre-emptors of swamp lands to perfect their titles by entry"

The Bill was read the first and second time under a suspension of the rules and on motion of Mr McDowell the bill was referred to the Committee on State Lands.

The House then passed to the consideration of S B No. 206 "An Act to enlarge the bounds of the Penitentiary Grounds"

The bill was read the first time and under a suspension of the rules for that purpose the bill was read the second time and on motion of Mr Collins was referred to the committee on the Penitentiary.

On motion of Mr Humphreys the Hon Mr Gist and Dr McPherson was invited to seats within the bar of the House.

On motion of Mr Kerr the Hon Grandison D Royston President of the late Constitutional Convention was invited to a seat within the bar of the House.

The House then passed to the consideration of S B No 191 "An act to prevent the false packing of Cotton"

The bill was read the first time and on motion of Mr Copeland the further consideration of the bill was indefinitely postponed.

The House then passed to the consideration of S B No 167 "An act to be entitled an act allowing the Supreme Court to grant appeals in certain cases"
Mr Copeland moved that the bill be indefinitely post poned

which was not agreed to

Mr Rice then moved that the rules be suspended and the bill be read the second time.

Which was agreed to.

The bill was read the second time and on motion of Mr Humphrys was referred to the Committee on Judiciary

Mr Kerr presented a petition from Mr Chis Patton superintendent of the Blind institute, and on motion the petition was referred to the committee on the Penitentiary.

The House then passed to the consideration of S.B. No 204 "An act in relation to suits in the name of the State against corporations and to vacate or repeal charters."

The bill was read the first time, and under a suspension of the rules the bill was read the second time, and on motion of Mr Copeland the bill was referred to the Committee on Judiciary

Mr Baird asked and was granted leave to introduce the following resolution which was granted.

Whereas; As General complaint has been made in regard to the fees allowed in the fee bill passed Feb 25 "1875; therefore;
- Be it resolved: That a committee of three be appointed by the House to act with a like committee of the Senate to investigate said bill, and report any change they may think necessary by bill or otherwise.

The House then passed to the consideration of S.B. No - 188. A bill to be entitled an act to amend the attach- =ment laws of Arkansas."

The bill was read the first time and on motion of Mr - Copeland the rules were suspended and the bill read the second time and refered to the Committee on the Judiciary -

The Speaker announced the following Committees

On Centennial .. Messrs Barrett Kerr. Wells & White. Gardner, and Copeland.

Committee under resolution of Mr Baird.
Messrs Baird Taylor and
Robinson (of Monroe.

Special Committee to whom it referred House Report No 57
Messrs Little
Wells (of Dare and Patton.

Then at 3 o'clock & 45 minutes PM the House on motion
of Mr Browning adjourned to 9. 30 A M to-morrow.

J. M. Stanberry
Clerk

A. A. Pennington
Speaker House of Representatives

Wednesday Morning
November 3d 1875.

The House met pursuant to adjournment.

The roll was called and the following named members
answered to their names:

Anderson (Howard)
Baird
Baker
Barrett
Boyce
Boston
Bradford
Bragg
Bright
Browning
Burns
Casey
Cochran
Cleveland
Cluck
Coleman
Collins
Copeland
Davis
Dodson (Newton)
Drake
Durham
Dowell
Flipkin
Fullen
Gardner
Gillis
Green

Hannah
Headlee
Hill (Calhoun)
Hill (Jefferson)
Hoover
Humphrey
Jones
Judkins
Kerr
Little
Love
Martin
Marquell
McLeonnell
Miller
Morgan
Moore (Union)
Orr
Patton
Poe
Polk
Powell
Putman
Rice
Robinson (of Monroe)
Rosdale
Rumph
Russel
Scaler
Shinn
Slaughter
Spangler
Taylor
Trimble
Venable
Wall
Wann
Wells (of Desha)
Wells (of White)
Wildberger
Williams
Witt
Mr Speaker.

Mr Coffee on motion of Mr Hilpirn was excused on account of sickness for ten days.

A quorum of the House present.

Prayer by the Chaplain.

The Journal of the preceding day was then read and approved

Mr Matthew G Moore member elect from the County of Crawford to fill the vacancy occasioned by the resignation of the Hon James Craig came forward presented his credentials and having taken and subscribed to the oath of office adminis-istered by the Hon E.H. English, Chief Justice Supreme Court of Arkansas took his seat as a member of the House

Hon Mr Martin was excused for absence on Monday and Tuesday on account of sickness.

On motion of Mr Humphreys, Mr Drake was placed on those Committees of the House on which the late Mr Shantze served as a member, and that Mr Moore of Crawford be placed on those Committees on which Mr Craig was a member respectively. Mr Bragg was placed on the Special Committee on roads and highways.

Mr Judkins by consent introduced a Bill entitled "An Act to change time of holding the Courts in the several Counties of the third Judicial Circuit; (H. R. No 215. which was read the first time.

The rules were then, on motion, suspended, the Bill read a second time, made special order of the day for 11 o'clock A M to-morrow.

Mr Humphrey's by consent, introduced a Bill entitled An Act in relation to Swamp and overflowed Lands, H R No 216 which was read the first time.

The rules were then on motion, suspended, the Bill read a second time, and referred to the Committee on State Lands.

Mr Orr by consent, introduced a Bill entitled "An Act to amend section 21 of an act entitled An act to establish the County of Miller" being H R No 217. which was read the first-time;

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on the Judiciary

Mr Cleveland by consent, introduced a Bill entitled "An Act to amend Section 1 of an act fixing the price of State Lands passed at the session of 1874 and 1875", being H R No. 218 which was read the first time.

The rules were then on motion suspended, the Bill read a second time and referred to the Committee on State Lands

Mr Sadler by consent introduced a Bill entitled An Act amendatory of existing laws regulating sale of

State Lands being H R No 219. which was read the first time,

The rules were then on motion suspended, the Bill read a second time and referred to the Committee on the Judiciary

Mr McConnell by Consent, introduced a Bill entitled "An Act to amend an act to relieve the Tax Payers of this State and to suspend the enforcement of the Collection of Taxes for the years 1873 and 1874, being H. R. No 220 which was read the first time,

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Ways & Means.

Mr Collins by consent, introduced a Bill entitled "An Act to Provide for the cancellation and re-issue of Out-standing School warrants, H R No 221. which was read the first time

The rules were then on motion, suspended, the Bill read a second time and referred to the Select-School Committee of which Mr Brumpke is Chairman.

Mr McConnell by consent introduced a Bill intitled "An act to authorize the County and Probate Judges to draw their Salaries H. R. No 222 which was read the first time.

The rules were then on motion suspended, the Bill read a second time and on motion of Mr McConnell the Bill was ordered Engrossed and made Special order of the day for 11 o'clock A m on Saturday next.

Mr Browning by consent, introduced a Bill entitled An Act to repeal section 162 of the Digest of the revenue laws of the State H. R. No 223. which was read a first time.

The rules were then on motion suspended, the Bill read a second time and referred to the Committee on Agriculture.

Mr Bacon of Benton by consent, introduced a Bill=

entitled "An Act to create a Bureau of Immigration, Mining and Agriculture H.R. No 224 which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Mining and Manufacturing, together with that portion of the Governors message relative to this subject.

The hour of 11 a.m having arrived, the House took up the Special Order of the day: being the Consideration of H. R. No 214 a Bill entitled "An Act authorizing the Governor of this State to appoint representatives to the Centennial Exhibition at Philadelphia. Penn.

Mr Judkins Chairman of the Committee on Engrossed bills submitted the following report.

Mr Speaker:

The Committee on Engrossed Bills to whom was referred H R No 214 an Act entitled "An Act authorizing the Governor to appoint representatives to the Centennial Exhibition beg leave to State they have had the same under consideration, and herewith respectfully return the same correctly engrossed.

Mr Judkins moved that the bill be indefinitely postponed -

Which was not agreed to -

Then on motion of Mr Collins the Bill was ordered, placed on the Calendar subject to the call of the House.

Mr Trimble by consent introduced a Bill entitled "An Act to establish a court of Common Pleas for the County of Independence H R No 225 - which was read the first time.

On motion of Mr Spangler the provisions of the Bill were extended so as to include the county of Lee.

On motion of Mr Copeland the provisions of the Bill were extended to the County of Crittenden.

On motion of Mr Randle the

provisions of the bill were extended to the County of Mississippi.

On motion of Mr Burns the County of Yazoo was added so as to receive the benefits of the Bill.

On motion of Mr Miller the County of Phillips was added to the provisions of the bill.

On motion of Mr Bragg the provisions of the bill were extended to the county of Ashley.

On motion of Mr Hill of Jefferson the provisions of the bill were extended to the County of Jefferson.

On motion of Mr Venable the provisions of the bill were extended to the County of Conway.

On motion of Mr Little the County of Pulaski was added to the provisions of the bill.

On motion of Mr Bradford the County of Lonoke was included within the provisions of the bill.

On motion of Mr Green the provisions of the bill were extended so as to include the County of Johnson.

On motion of Mr Wells of White the provisions of the bill were extended so as to include the County of White.

On motion of Mr Gallis the County of Garland was added to the provisions of the bill.

On motion of Mr Anderson of Howard the County of Howard was added to the provisions of the bill.

On motion of Mr Hanna the provisions of the bill were extended so as to include the County of Hempstead.

Then on motion of Mr Copeland the bill was referred to the Committee on the Judiciary together with the amendments thereto.

Mr Collins of Pulaski by consent introduced a bill entitled "An Act to provide for the Arkansas Institute for the Blind, H. R. No. 226 which was read the first time.

The rules were then on motion suspended, the Bill read a second time and referred to the Committee on Education -

Mr Clark of Madison by consent, introduced a Bill entitled An Act in relation to the school-lands of this State. H. R. No. 227. which was read the first time.

The rules were then, on motion, suspended, the Bill read a second time, and referred to the Committee on Education.

Mr Martin by Consent introduced a Resolution for the adjournment of the two Houses of the General Assembly at 12 M on the 30th day of November 1875. H. C. R. No. 38. which was read the first time -

The rules were then on motion, suspended, the Resolution read a second time, and referred to the Committee on Public expendi=tures.

Mr Little Chairman on the Special Committee on H R No. 57. made the following report:

Mr Speaker:

The Special Committee to whom was referred H. R. No. 57. an Act entitled "An Act to encourage sheep raising in this State; have had the same under consideration, and herewith respectfully return a substitute therefor with the recommen=dation that it do pass.

The report was received.

Mr Little Chairman select-Committee by consent introduced a substitute Bill entitled "An Act to encourage sheep raising in this State. Sub H. R. No. 57. which was read first time.

The rules were then, on motion, suspended, the Substitute Bill read a second time, and referred to the Committee on the Judiciary.

Mr Collins of Pulaski by consent, introduced a Bill, entitled An Act to amend section 897 of Gantts Digest - H. R. No. 228,

Which was read the first time.

The rules were then, on motion, suspended, the Bill read a second time, and referred to the Committee on the Penetentiary.

The Speaker then announced the following as the Committee on that portion of the Governors Message having reference to the refunding of Taxes paid by Washington County on University Bonds.
Messers. Patton. Hanna and Gillis.

The hour of 11, 30 a m having arrived, the House took up the special order of the day: being the Consideration of H.J.M No. 3.
A Joint Memorial to the Congress of the United States to establish a territorial Government over the Indian Territory.

The Memorial was read the third time and place on its final passage.

The Question being put, Shall the Memorial pass?

It was decided in the Affirmative.

Those Members voting in the affirmative were.

Anderson (Howard)	Dodson (Stanton)	Kerr
Baird	Drake	Little
Baker	Dunham	Love
Barrett.	Dowell	Martin
Bone.	Flippin	Mongwell
Bradford.	Foster	McConnell
Bragg.	Fulton	Miller.
Bright	Gardner	Morgan
Browning	Gillis	Moore (of Crawford)
Burns	Green	Moore (of Union)
Causey	Hanna	Orr
Cochran	Headley	Patton
Cleveland	Hill (Calhoun)	Polk
Celick	Hill (Jefferson)	Powell
Coleman	Hoover	Putman
Collins	Humphrey	Price
Copeland	Jones	Robinson (of Monroe)
Davis.	Buckner	Ruddle. Sumpter.

Russell
Sadler
Shinn
Slaughter
Spangler
Saylor
Trimble.
Venable.

Wall
Wearn
Wells (of Drew)
Wells (of White
Wildberger
Williams
Witt
Mr Speaker.

None voting in the negative

On the affirmative 65
On the negative None
Not voting 28
93.

So the House Joint-Memorial was passed.

Then on motion of Mr Wells of Dade the House at 12.15 P M adjourned until 9 a.m. to-morrow.

J. N. Spalding
Clerk

A. A. Pennington
Speaker H R

Thursday Morning
November 4th 1875.

The House met pursuant to adjournment.

The roll was called and the following named members answered to their names:

Anderson (Craighead)
Anderson (Howard)
Baird
Baker
Barrett
Broe
Boston
Bradford
Bragg
Bright
Browning
Burns
Casey
Cochran.
Chaney
Cleveland
Cloud
Coleman
Collins
Copeland
Davis.

Doc Corn (of Newton)
Durham
Drake
Dowell
Klupfein
Foster
Fulton
Gardner
Gillis
Green
Hannah
Headley
Hill
Hoover
Humphrey
Jones
Jenkins
Kemp
Little
Love
Martin
Mcarnell
McConnell
McClelland
Miller
Morgan
Moore (of Crawford)
Moore (of Union)
Moore (of Woodruff)
Orr
Patton
Poe
Polk
Powell
Peterman
Rice
Robinson (of Monroe)
Rindle
Rainey. Russel.
Sadler. Shinn.
Slaughter. Spangler
Saylor. Trimble
Venable Wall. Ward.
Wells (of Drew.
Wells. (of White. Wildberger.
Williams. Witt. Mr Speaker.

A quorum of the House present.

Prayer by Rev A. P. Winfield

The Journal of the preceding day was then read and approved.

Mr Barnett introduced the following resolution:

I move that all bills sent to the clerks desk pending before the different Committees at the adjournment March 5th and on the table as unfinished business be returned to the chairman of the appropriate Committees.

Which was adopted.

Mr Jenkins introduced the following:

Resolved,

That the Speaker be directed to audit and allow the account of the reporter of the Penitentiary Investigation at the usual Professional rates.

Which was adopted, and on motion of Mr Jenkins-

was referred to the committee on contingent expenses.

Mr Spangler by consent, introduced a Bill, entitled "An Act to change the name of the county of Barber to Logan and for other purposes. H.R. No. 229. Which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on county and county lines.

Mr Gardner by consent introduced a Bill entitled "An Act to include sections 23 and 24 in town= =ship 17 South range 10 west in the county of Bradley. H.R. No. 230.

Which was read a first time

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on County and County lines.

Mr Orr by consent introduced a Bill, entitled An Act to regulate the sale of school-lands and for other purposes H.R. No. 23.
Which was read a first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Education.

Mr Wells of Drew by consent, introduced a Bill entitled "An Act changing the boundary lines between the counties of Drew and Chicot. H.R. No. 232.

Which was read the first time

The Rules were then on motion, suspended, the Bill read a second time and on motion of Mr Wells of Drew the Bill was ordered Engrossed and made special order for 1.30 P M Saturday next.

Mr Mann of Sharpe by consent, introduced a Bill entitled "An Act to amend section 5458 of Gantts Digest H. R. No. 233.

Which was read the first time

The rules were then on motion, suspended, the Bill read a second time and referred to the select committee on Education, of which Mr Purnell is chairman.

Mr Durham by consent, introduced a Bill entitled "An Act to amend Section 75-83 an act entitled An Act fixing the regular times of holding the county courts of this State and for other purposes. approved Feby 5th 1875 H R No 234. which was read the first time.

The rules were then on motion, suspended, the Bill was read a second time and referred to a select committee of three to act with a like Committee on part of Senate.

On motion of Mr Coleman Mr Cleveland of Grant was added to the committee on State Lands.

On motion of Mr Rice of Benton the House passed to the consideration of the Senate amendments to House report No. 160. "An Act re-districting the State for Congressional purposes."

The Senate amendments were read the first time

On motion of Mr Rice the rules were suspended, and the Senate amendments were read the second time and the Bill and amendments made Special order for 11 a m on Monday next.

Mr Collins by consent, introduced a Bill entitled "An Act to provide for the ~~Clothing~~ and pensions

expenses of the pupils of the benevolent Institutions of the State and for other purposes: H.B. No. 235. which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Education.

Mr Browning by consent, introduced a Bill entitled "An Act to promote the mining interests of this State and to protect the mineral prospector in his rights H. R. No. 236.

Which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on mines and manufactories.

On motion of Mr Browning, Mr Collins was added to Committee on Mines and manufac-=tures.

Mr Baker by consent, introduced a Bill entitled "An Act for the relief of the citizens of Columbia County. H. R. No. 237.
Which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Ways and Means.

Mr Shimble in accordance with the notice heretofore given moved to amend the thirty ninth rule of the House as follows:
In 3d line after the word House insert "who voted in the majority"

Which was adopted two thirds of the members present voting therefor.

The House then passed to the regular order

of Business being the consideration of Senate Bills on first reading, S.B. 55. "An Act to amend the laws of Dower and Administration.
Bill read the first time.

The House then passed to the regular order of business being the consideration of Substitute S.B. No. 68. an act entitled "An Act to prevent Criminal abortion"

Which was read the first time.

The rules were then suspended,

The Bill was then read a second time and on motion of Mr Kerr the bill was made the special order for 11 a.m. on tuesday. inst.

The House then passed to the regular order of business, being the consideration of S.B. No. 133. an act entitled "An Act to change the boundary lines of Randolph and Clayton Counties.

Which was read the first time, and on motion of Mr Judkins the bill was indefinitely postponed.

The House then passed to the regular order of business, being the consideration of S.B. No 193. An Act entitled "An Act for the benefit of the laborers and mechanic's
Which was read the first time.

The rules were then suspended.

The Bill was read a second time and referred to the Committee on Agriculture.

The House then passed to the regular order of business being the consideration of S.B. No. 172. an act entitled "An Act to provide for the recording of land patents.

Which was read the first

The rules were then suspended.

The Bill was read a second time and on motion of Mr Sadler the bill was made the Special order of the day for 11.30 A.M. to-morrow morning

The House then passed to the regular order of business, being the consideration of S.B. No. 212. an act entitled "An Act to punish attempts to criminal crimes.

Which was read the first time

The House then passed to the regular order of business being the Consideration of S.B. No. 202. an act entitled "An Act to reimburse the Seminary Saline and school funds for certain monies collected in State scrip and cancelled.

Which was read the first time.

The rules were then suspended.

The Bill was then read a second time and referred to the Committee on Agriculture

On motion of Mr Coleman leave of absence was granted Mr Grissom until Monday Sept on account of sickness in his family

Then on motion of Mr Humphrey the House at 12 30 P M adjourned until to-morrow morning at 9.30 o'clock.

A. A. Pennington
Speaker H. R.

J. D. Goulding
Clerk

Friday Morning
November 5th 1875-

The House met pursuant to adjournment.

The roll was called and the following named members answered to their names:

Anderson (Craighead)	Foster	Orr
Anderson, (Howard)	Fulton	Patton
Baird	Gardner	Poe
Baker	Gillis	Polk
Barrett	Green	Powell
Boyce	Hannah	Putnam
Boston	Headlee	Rice
Bradford	Hill (Calhoun)	Robinson (of Monroe)
Bragg	Hill (Jefferson)	Rudale
Bright	Hoover	Rumph
Browning	Humphrey	Russel
Burns	Jones	Sadler
Casey	Judkins	Shinn
Cochran	Kerr	Slaughter
Chaney	Little	Spangler
Cleveland	Love	Taylor
Cluck	Martin	Trimble
Coleman	Maxwell	Venable
Collins	McClelland	Wall
Copeland	McConnell	Wann
Davis	McRae	Wells (of Davis)
Dodson (Newton)	Miller	Wells (of White)
Durham	Morgan	Wildberger
Drake	Moore (Crawford)	Williams. Wm B
Dowell	Moore (Union)	Wolf
Fitzpatrick	Moore (Woodruff)	Mr Speaker.

A quorum of the House present.

Prayer by the Chaplain

The Journal of the preceding day was then read and approved.

Mr Patton asked and obtained leave to introduce the following resolution.

Resolved: That the Hall of the House of Representatives be tendered to Judge John W. G. Jones for the purpose of lecturing upon the objects of the "Order of Patrons of Husbandry, on this evening at 8 o'clock. And that the Sergeant-at-arms be instructed to have the Hall prepared and lighted at the hour named.

Which was adopted.

On motion of Mr Sadler leave of absence for the day was granted Chief Clerk Goulding on account of sickness.

On motion of Mr Wells of Drew leave of absence was granted Mr Sanders for ten days on account of sickness.

Mr. Wells, of Drew chairman of the committee on Judiciary made the following report:

Mr Speaker:

The committee Judiciary to whom was referred H.B. No. 219. an Act entitled "An Act amendatory of existing laws, regulating the sale of the lands of the State, have had the same under consideration, and herewith respectfully return it, with the recommendation that it do pass without amendment.

The report was received, and on motion of Mr Sadler the Bill was read a third time and placed on its final passage.

The question being put, shall the Bill pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Anderson (Craighead)	Baird.	Bradford.
Anderson (Howard)	Baker.	Bragg.

Bright
Browning
Casey
Cochran
Chaney
Cleveland
Cluck
Coleman
Collins
Davis
Dodson (Newton)
Drake.
Dowell
Flippin
Gardner
Green
Hill (Calhoun)
Humphry
Jones
Judkins
Little
Love
McRae
Moore (Crawford)
Orr
Patton
Robinson (of Monroe)
Rumph
Russell
Sadler
Slaughter
Sumpers
Wells (of Drew)
Wildberger
Williams
Mr Speaker.

Those voting in the negative were:

Bone
Copeland
Durham
Foster
Fulton
Gillis
Green
Hannah
Hadlee
Hill (Jefferson)
Hoover
Martin
Mapwell
Mclelland
Mcbonnell
Miller
Morgan
Moore (of Union
Moore (of Woodruff
Poe.
Polk
Powell
Pittman
Rondale
Shinn
Spangler
Saylor
Trimble
Venable
Veale.
Warren
Witt
Wolf.

On the affirmative 42
On the negative 34
Not voting 29
43

So the bill was passed.

Mr Kerr asked and obtained leave to introduce the following Memorial from the executive committee of the Arkansas Industrial University.

To His Excellency Gov. A. H. Garland, the Senate and House of Representatives of the State of Arkansas:

The Executive Committee of the Board of Trustees of the Arkansas =

University would most respectfully submit the following report and overture: It gives us peculiar pleasure to be able to report the institution in a prosperous and growing condition, notwithstanding the increasing stringency of the financial situation.

Having failed to secure a President to fill the vacancy occasioned by the resignation of Gen A.W. Bishop, the committee by virtue of the powers in them vested, appointed for the time being Professor W.P. Gates to fill that position under whose wise and admirable administration the unexpectedly large influx of new material has been brought into the most pleasant harmony with the judicious rulings of the faculty and without the least apparent friction. Never have we witnessed more earnest faithful work by a corps of instructors - never have we witnessed more cheering results. We have to report as the whole number of students present in all departments, two hundred and twenty-five, with a continual increase.

By reference to the third annual Report (which we regret to say has been so greatly delayed by the publishers as to neutralize to a great extent, the beneficial results anticipated from its circulation) it will be seen (Page 95) that all <u>male</u> Beneficiaries hereafter appointed with the exception of Normal students, shall be required to take a course in Agriculture, with the privilege of selecting such other studies as circumstances will allow. This class in Agriculture has been already organized, and is one of the largest and most interesting in the University. They are engaged earnestly in the theory, and at the same time under the supervision of the Professor of Chemistry they are making practical tests of the soils by chemical analysis with the most encouraging results. In this connection we would call your attention to the necessity for more chemical apparatus to be used in making quantitative analyses of specimens. Our chemist is frequently called upon by citizens to make analyses of geological and mineral specimens, sent to the University. He is able to make and has frequently made these tests

so far as the qualitative analyses is concerned, with satisfactory results, but for want of more apparates is unable to make quantitative analysis. We are making special efforts to elevate the agricultural and mechanical departments to the position contemplated by the acts of Congress endowing such institutions.

It may not be amiss to advert to the fact that your Board found the University organized almost entirely in the interest of literature and the sciences, we have not deemed it prudent to make sudden or radical changes in the system of management, but have hoped to obtain the desired end by gradual and systematic changes. The tendency already to instruction on those subjects contemplated in the establishment of Agricultural colleges is evident. Perhaps more has been expected than could well be accomplished in the Agricultural and Mechanical departments, when we consider the shortness of time since the organization, and the very limited appropriations for these purposes. As yet we have only about fifty acres in cultivation, much of which by constant tillage for many years, is in an impoverished condition. We are glad to state however that the President is endeavoring to restore this land, by the liberal use of such domestic fertilizers as are available. Of course foreign fertilizers are out of the question.

Up to the present time no pastures, stock yards or barns have been made, all of which are essential in a school of practical agriculture; and the pressing necessity for a limited supply of stock of a superior breed, hogs and cattle especially, is deeply felt.

President Gates has had the grounds of the University laid off upon an established system, and has organized regular details of students to perform the necessary labor, and we hope to be able to report something tangible, and more satisfactory at our next annual meeting. ** It is with pleasure that we report to you the completion of the new University building, a part of the basement and third story with the first and second stories complete - within the time specified, and in a manner that we trust will prove satisfactory

to every friend of the University as it is to the executive Committee. We commend it to you as a work which reflects honor upon the State, and upon the gentlemanly Contractors who have labored most earnestly to execute the work in strict accordance with the specifications under the Supervision of the Building Committee. It is with great regret that we have to report the inadequacy of the Building Fund to meet the cost of construction. The Building committee upon final settlement with the Contractors report the total Cost to be $135.246.29.

By cash paid (88/100) on monthly estimates $103,031.09

Balance still due H G Mayer & Co ... $30.438.17.

For which the building Committee issued certificates of Indebtedness. To this may be added $1000.00 for Condemned stone, subject to the approval of the Board, for the liquidation of which provision will have to be made by appropriation.

The report of the State Treasurer shows some thirteen thousand dollars - Principal and interest now due the Building Fund of the University deposited with the Bank of Stoddard Bro's, Since failed, without warrant of Law or direction of the Board - which amount your Board has as yet been unable to control; and which would aid very materially in liquidating the present indebtedness.

We would beg leave to refer you to the estimate made by the Board at its last Convention of amounts necessary for the improvement of the grounds and to provide such furniture and appliances as were by them deemed essential to meet the requirements of the increasing patronage.

We respectfully refer you to these estimates (amounts necessary for completion of building, improvement of grounds, as well as estimate of annual expenses) to pages 91 and 92 of the Report a copy of which will be furnished each member of the General Assembly.

In addition to these estimates Lt Lewis Officer

in charge of the Military Department of the University, has made a requisition upon the Executive Committee for the fitting up of the basement room in the South wing of the new building for an armory and gymnasium. This will involve an additional expense of perhaps $1000. whilst some of the items in the estimate of the Board might for the present be slightly modified, it was made by them with a view to the strictest economy; and much of the furniture asked for by no means corresponds with the general character of the building.

Nor were the Board insensible of the grave responsibilities devolving upon our General Assembly in reorganizing and replenishing a bankrupt treasury, and in providing for the successful maintenance of the vital interests of the State.

Your Board who have been laboring most earnestly for the success of the institute are constrained to believe that it will inevitably become a power for good in our State - a power that is to assist in bringing Arkansas to that position which her other advantages demand that she shall occupy. We shall only be too happy if we can but awaken in your minds a just estimate of its great importance, and an active interest in an enterprise so deeply freighted with all that is good for coming generations in Arkansas.

For information as to expenditures we respectfully refer you to the Third Report. We will also represent to the General Assembly that the interest accruing annually on the endowment fund of the Arkansas Industrial University only amounts to $10.400 00 It was estimated by the Board that possibly $2500. or could be realized from tuition fees for the present year, making the total amount with which to meet current expenses for the year only $12.900.00 By reference to the Report of annual expenses for the past year it will be discovered that the sum of $17,495.33 was expended, which could not have been met had it not been for the

appropriation of the Legislature of 1873. But this appropriation is almost expended - only $320.00 Scrip remaining (See pr. 92 Report) But on p. 91. it will be seen that the estimated current expenses for the present year amounts to $21.150.00; and after deducting supposed receipts from all sources, leaves a deficit of $29.30.00. to be met by appropriation by the State or otherwise. We present this grave question to those whose agents we are, and to whom alone we can look for means to carry on this responsible work.

Having thus presented to you a statement of those things which are esteemed by us as imperatively necessary, and also the obligations both of law and of honor resting upon us to meet the just demands of the Contractors, who have performed their work so acceptably, thereby incurring upon themselves and their friends serious pecuniary complications — we come to you with this earnest, importunate overture, that you will make such just and equitable appropriations for the Arkansas Industrial University as your wisdom, patriotism, and faith, in the education of the present and future Arkansas may dictate as adequate to meet her pressing necessities, and we will ever pray &c

A W Dinsmore
Chairman by Com
L Greig, Secretary.

On motion of -
Mr Kerr the Memorial was referred to the select Committee to whom was referred that portion of the Governors Message in regard to the Arkansas Industrial University of which Mr Patton is Chairman.

Mr Rice of the Committee on Enrolled bills made the following report:

Mr Speaker:

The Committee on Enrolled bills

to whom was referred H R No 123. An act entitled An Act for the government of county jails and Poor-Houses.

Also

H. R. No. 128, entitled "An act to prohibit Horse racing within certain boundaries.

Beg leave to report after carefully examining the same fond said bills correctly enrolled.

The report of the Committee was received and entered on the Journal.

Mr Judkins chairman of the Committee on Engrossed bills made the following report:

Mr Speaker:

The committee on engrossed bills to whom was referred H. B. No. 215: An act entitled "An act to change the time of holding the Courts in the Counties of the Third Judicial Circuit of Arkansas"

beg leave to state they have examined the same and respectfully return said bill correctly engrossed.

The report of the Committee was received and entered on the Journal.

The hour of 11 a m having arrived the House took up the special order of the day being the consideration of H R No 215 a bill entitled "An Act to change the time of holding the Courts in the third Judicial Circuit of Arkansas.

An motion of
Mr Foster the bill was amended by an engrossed rider by striking out in the last clause of the first section, first line after the word "the" the word "tenth" and inserting in lieu thereof the word "eleven".

The bill was then read a third time and placed on its final passage.

The question being put, shall the bill pass?

It was decided in the affirmative

Those voting in the affirmative were:

Anderson (Beraighead)	Dowell	Moore (of Crawford)
Anderson (Howard)	Hepkin	Moore (Orrin)
Baird	Hosier	Moore (Woodruff)
Baker	Hudson	Orr
Barrett	Gardner	Poe
Boyce	Gillis	Polk
Boston	Green	Powell
Bradford	Hannah	Putnam
Bragg	Headlee	Robinson (of Monroe
Bright	Hill (Calhoun)	Rudasill
Browning	Hill (Jefferson)	Rumph
Causey	Humphrey	Russel
Cochran	Jones	Sadler. Shinn.
Chaney	Jenkins	Sawyers.
Chick	Little	Spangler
Coleman	Love	Taylor
Collins	Martin	Trimble
Copeland	Maxwell	Venable
Davis	Mcclennell	Wells (of Dare)
Dodson (Newton)	McRae	Wells (of White)
Drake	Miller	Williams. Witt.
Durham	Morgan.	Mr Speaker.

Those voting in the negative were - Bowen. Wolf.

For the affirmative	68
For the negative	2
Not voting	23.
	93.

So the bill was passed.

Mr Jenkins Chairman of the Committee on Engrossed

bills made the following report:

Mr Speaker:

The Committee on Engrossed bills to whom was referred H.R. No. 222. an Act entitled "An Act to authorize County and Probate Judges to draw their salaries":

beg leave to state they have had the same under consideration and herewith respectfully return the same correctly engrossed.

All of which is respectfully submitted.

The report was received.

The hour of 11.30 having arrived, the House took up the Special order of the day: being the Consideration of H.R. No. 222. a Bill entitled "An act to authorize County and Probate Judges to draw their salaries

The Bill was read a third time and placed on its final passage.

The question being put, shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Craighead)	Cochran	Foster
Anderson (Howard)	Cheaney	Fulton
Baird	Cluck	Gardener
Baker	Coleman	Gillis
Barrett	Collins	Green
Boyce	Copeland	Hannah
Boston	Davis	Headlee
Bradford	Dodson (Austin)	Hill (Calhoun)
Bragg	Drake	Hill (Jefferson)
Bright	Durham	Hosier
Browning	Duvall	Humphrey
Causey.	Flippin	Jones.

Hudkins	Orr	Spangler
Little	Patton	Taylor
Love	Poe	Trimble
McCartin	Polk	Venable
Meapwell	Powell	Wall
McClelland	Putman	Wann
McConnell	Rice	Wells of Drew
McRae	Robinson	Wells of White
Miller	Riddle	Wildeberger
Morgan	Rumph	Williams
Moore (of Crawford)	Russell	Witt
Moore (Williams	Sadler	Wolf
Moore (Woodruff)	Shinn	Mr. Speaker

None voting in the negative.

For the affirmative 74
For the Negative none
Not voting 19
93

So the bill was passed.

Mr Wells of Drew Chairman of the Committee on the Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred H. B. No. 35 An act entitled "An Act for the admittance of W. H. Cagle as a member from Miller County, have had the same under consideration and respectfully return it, with the recommendation that it do not pass.

The report was received and adopted.

Mr Wells of Drew Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred H B No 217. An Act entitled

"An Act to amend Section (21) twenty-one of an act to establish the County of Miller and for other purposes. have had the same under consideration and respectfully return it with the recommendation that it do not pass.

The report of the Committee was adopted.

and on motion of

Mr Browning of Clark the bill was indefinitely postponed.

A Message from the Senate by May L Mc Newton Secretary.

Senate Chamber
Nov 4th 1875

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill. No. 236. entitled

"An Act to authorize the State Boards of Election Supervisors to deposit the records and papers of Election in the Office of the Secretary of State, and to fix their compensation."

Also of the passage by the Senate of Senate Bill. No. 246. entitled

"An Act to change the time of holding the Circuit Courts of White County."

Also of the passage by the Senate of Senate Bill. No. 250. entitled

"A Bill for an act to permit Sheriffs to take Bail in certain Cases."

Also of the passage by the Senate of Senate Bill. No. 251. entitled

"An Act for the relief of the Securities of John P Bull as Sheriff and Collector of Taxes in the County of Hempstead"

And herewith respectfully submit the same for your consideration

Leave to [illegible]

Mr Rice chairman of the Committee on Enrolled Bills, submitted to the House the following report:

Mr Speaker:

The Bill of the House No. 123 an act entitled - "An Act for the Government of County Jails and Poor-Houses"

Also H R. No. 148. an act entitled "An Act to prohibit Horse-racing within certain boundaries"-

Respectfully beg leave to report that the same having been signed by the proper Officers were, on the 4" day of Nov 1875 delivered to his Excellency, the Governor, for his action thereon.

Mr Wells of Drew Chairman of Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred H. R. No. 225.

"An Act to establish a court of Common Pleas in the county of Independence".

Beg leave to report: That they have had the same under consideration and respectfully recommend that the same do pass, with the following amendments:

In section one, fourth line after the word Independence add the words. Lee. Crittenden. Mississippi. Faulkner. Phillips. Ashley Jefferson, Conway, Pulaski, Lonoke Johnson. Yohite, Garland, Howard, and Hempstead, Strike out the word "County" wherever it occurs and insert the word "counties" in lieu thereof. Strike out the word "Judge" wherever it occurs in the bill and insert in lieu thereof, the word "Judges", and Sheriffs for the word "Sheriff" Amend section fourteen by striking out all after the word "the" in the second line and add in lieu thereof the words - "Same fee as is now or may hereafter be allowed witnesses in the

Circuit Court in civil cases" to be paid in all cases by the parties litigant.

Amend Section fifteen by striking out all after the word "property" in third line, to "subject" in the 4th line and insert in lieu thereof "as in Circuit Courts"

On motion of Mr Bragg the amendments reported by the Committee were adopted.

On motion of Mr Shimble the bill was further amended as follows by adding an additional section.

Sec All writs and process from the Courts of Common Pleas, shall be authenticated by the seal of the County Courts.

Mr Durham moved that 240 copies of the Bill together with the amendments be printed.

Which was not agreed to.

On motion of Mr Judkins the bill was ordered engrossed and made Special order of the day for 11 a m six thursday Sept.

Mr Wells Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred S.B. No. 204. an Act entitled "An Act in relation to Suits in the name of the State against Corporations to vacate or repeal charters. have had the same under consideration, and herewith respectfully return it, with the recommendation that it do pass.

The report of the Committee was adopted.

On motion of Mr Wells, of Dare-
The bill was read a third time and placed on its final passage.

The question being put shall the bill pass?

It was decided in the affirmative

The roll was called, and the following named members voted in the affirmative:

Anderson (Craighead)	Foster	Patton
Anderson (Howard)	Fulton	Poe
Baird	Gardner	Polk
Baker	Gillis	Powell
Barrett	Green	Putnam
Boyce	Hannah	Rice
Boston	Hill (Calhoun)	Robinson (of Memphis)
Bradford	Hill (Jefferson)	Ruddle
Bragg	Hoover	Rumph
Bright	Humphrey	Russell
Browning	Jones	Sadler
Casey	Judkins	Shipp
Cochran	Little	Slaughter
Chaney	Love	Sawyers
Cleveland	Martin	Spangler
Cluck	Mayfield	Taylor
Coleman	McClelland	Trimble
Collins	McConnell	Venable
Copeland	McRae	Veale
Davis	Miller	Vinson
Dodson (Newton)	Morgan	Wells, of Dare
Drake	Moore (Crawford)	Wells, of White
Dunham	Moore (Union)	Williams
Dowell	Moore (Woodruff)	Witt. Wolfe
Flippin	Orr	Mr Speaker.

Nine voting in the negative.

In the affirmative 76
In the negative Nine
Not voting 17

So the bill was passed

On motion of

Mr Judkins the use of the Hall of the House of Representatives was tendered to those citizens of the State, on tomorrow evening, who wish to hear and discuss the finances of the State.

Mr Wells, Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred S.B. No. 167. an act entitled "An Act allowing the Supreme Court to grant appeals in certain cases,"

have had the same under Consideration, and herewith respectfully return it, with the recommendation that it do not pass.

The report of the Committee was received

On motion of

Mr Judkins the bill was indefinitely postponed.

Mr Browning Chairman of the Committee on Agriculture made the following: report

Mr Speaker:

The Committee on Agriculture to whom was referred H.R. No. 223. an Act entitled "An Act to repeal Section 162 of the Digest of the Revenue Laws."

beg leave to state they have had the same under consideration, and herewith respectfully return the same with a recommendation that it do pass.

The report of the Committee was received.

And on motion the bill was ordered read the third

On motion of Mr Trimble the motion to place the bill on its third reading was reconsidered, and —

On motion of Mr Collins the bill was recommitted to the Committee on State Lands.

The Speaker then announced the following Special Committee on H. R. No. 234.

Messrs.

Dunham. Chaney, and Spangler.

Mr Wells of White introduced the following resolution, under a suspension of the rules for that purpose.

Resolved, the standing committee on Education appointed in the organization of this body be excused from further service in that direction as a Special Committee has been raised that seems to supercede the necessity of said standing Committee

Wells, of White
Gardner. Bradley
Leasey of Baxter
Trimble of Conway
Spangler of Sarber
J S Trimble
J D Browning
Powell, of Greene
Barrett, of Dallas
Orr, of Miller —
— Standing Committee

The hour of 11.30 a.m. having arrived the House took up the Special order of the day: being the Consideration of Senate Substitute B for H.B. 68 a bill entitled "An Act to Prevent Criminal = -abortion."

The bill was read a third time and placed on its —

Final passage.

The question being put, shall the bill pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Anderson (Craighead)	Dowell	Moore, (J Quinn
Anderson (Howard)	Flippin	Moore (Woodruff
Baird	Foster	Orr
Baker	Fulton	Patton
Barrett	Gardner	Poe
Booe	Gillis	Polk
Boston	Greene	Powell
Bradford	Hannah	Putnam
Bragg.	Hill (Calhoun)	Rice
Bright	Hoover	Robinson (Monroe
Browning	Humphry	Ruddle
Burns	Jones	Rumph
Casey	Kerr.	Russel
Cochran	Little	Sadler.
Charney	Love	Shinn
Cluck	Meadows	Slaughter
Coleman	McClelland.	Summers
Collins	McConnell	Taylor
Davis	McRae	Trimble
Dodson (Newton)	Meiller	Venable. Wall. Wann.
Drake	Morgan	Wells of Drew. Wills of White
Durham.	Moore, of Crawford	Williams. Wirt. Wolf
		Mr Speaker.

In the negative Mr Spangler.

In the affirmative	70
In the negative	1
Not voting	22
	93

So the Bill was passed.

The hour of 11 a.m. having arrived, the House took up the special order of the day: being the consideration of S.B. No. 172 a Bill entitled "An Act to provide for the recording of Land Patents."

The Bill was read a third time and placed on its final passage.

The question being put, Shall the bill pass?

It was decided in the negative.

The roll was called and the following named members voted in the affirmative:

Baird	Kerr	Patton
Collins	Little	Sadler
Hoover	McRae	Wall
Humphrey	Moore (Union)	Warren
Jones.	Orr.	Mr Speaker.

Those members voting in the negative were:

Anderson (Craighead)	Dowell	Morgan
Anderson (Howard)	Flippin	Moore (of Crawford)
Baker	Foster	Moore (of Woodruff)
Barrett	Fulton	Polk
Booe	Gardner	Poe
Bradford	Gillis	Powell
Bragg	Greene	Putman
Bright	Hannah	Rice
Browning	Hill (Calhoun)	Robinson (of Monroe)
Leasy	Hill (Jefferson)	Ruddell
Cochran	Hudkins	Rumph
Delaney	Love	Russell
Cleveland	Martin	Shinn
Click	Meadows	Slaughter
Davis	McClelland	Sprayberry
Dodson (Newton)	McCommas	Spangler
Drake.	Miles	Taylor

Trimble	Wells, of White	Stitt
Venable	Wilaberger	Wolf
Wells, of Drew	Williams	

In the affirmative	15
In the negative	60
Not voting	18
	93.

So the bill was passed.

The House then passed to the consideration of the resolution of Mr Wells, of White - by "Resolved that the Standing Committee on Education appointed in the organization of this body be excused from further service in that direction as a special Committee has been raised that seems to supercede the necessity of said Standing Committee."

Mr Rice, of Benton moved that the resolution be indefinitely post-poned.

Whereon on motion of Mr Collins the House at 12.15 P.M. adjourned until 9 o'clock A.M. to-morrow.

J. N. Gauntlett
Clerk

A. A. Pennington
Speaker House of Representatives

Saturday Morning
November 6th 1875

The House met pursuant to adjournment.

The roll was called and the following named members answered to their names: —

Anderson (Craighead)
Anderson (Howard)
Baird
Baker
Barrett
Bovd
Boston
Bradford
Bragg
Bright
Browning
Burns
Casey
Cochran
Chaney
Cleveland
Cluck
Coleman
Collins
Copeland
Davis
Dodson (Newton)
Drake
Durham
Dowell
Flippin
Foster
Fulton
Gardner
Gillis
Green
Grisson
Hannah
Headlee
Hill (Calhoun)
Hill (Jefferson)
Hoover
Humphrey
Jones
Judkins
Kerr
Little
Love
Martin
Maxwell
McClelland
McDonnell
McRae
Miller
Morgan
Moore (of Crawford)
Moore (of Union)
Moore (of Woodruff)
Orr
Patton
Pope. Polk
Powell
Putman
Rice
Robinson (of Monroe
Ruddle.
Rumph
Russell
Sadler
Shinn
Slaughter
Sanders
Spangler
Taylor
Trimble
Venable
Wall. Evans
Weir.
Wells, of Dew
Wells, of Ashley
Wildberger
Williams
Witt
Wolfe
McSpeaten

On motion of Mr Cluck of Madison Mr Love was excused for the day to attend a sick friend.

A quorum of the House present.

Prayer by the Chaplain.

The Journal of the preceding day was then read and approved.

On motion of
Mer Poe, Mr Burns was excused on account of sickness on yesterday.

Mr Durham chairman of Joint select Committee asked and obtained leave to make the following report:

Mr Speaker:

The Joint select Committee of the Senate and House to whom was referred House Bill No 234, beg leave to report that they have had the same under Consideration, and return it with the unanimous recommendation that it pass with the following amendments:

On the seventeenth line between the words "Counties" and "to" insert or "districts"; and in the forty fourth line strike out the word "fourth" and insert in lieu thereof the word "second".

The report of the committee was received, and,

On motion of
Mr Durham, the amendments recommended by the Committee were adopted.

The bill was ordered engrossed, and made special order for the day, on Monday Nov 8" 1875 at 12 o'c of that day.

On motion of
Mr Judkins the regular order of business was suspended for one hour for the purpose of the introduction of Bills and receiving Reports from chairmans of Committees.

Hon R. T. Kerr of Sebastian was called to the chair

Mr Rice of Barton by consent introduced a Bill entitled "An Act to fix the time of Convening the General Assembly of this State H.B. No 238

which was read the first-time

The rules were then on motion, suspended, the Bill read a second-time and referred to the Committee on Judiciary, with request that the report of the Committee be made at an early day.

Mr Martin by consent introduced a bill entitled "An Act to authorize Cities of the first and second class to collect a tax of $100 on all public auctioneers." H.B. No 239.
which was read the first-time.

The rules were then on motion suspended, the Bill read a second time and referred to the Committee on Ways & Means.

Mr Flippin Chairman of the committee on County and County lines made the following report:

Mr Speaker:

The Committee on County and County lines to whom was referred H. B. No. 230. entitled "An Act to include in the County of Bradley sections twenty-two and twenty-four of township seventeen, South, of range ten west of the fifth principal meridian."
have had the same under consideration and instruct me to recommend its passage

Report of the committee was received.

On motion of Mr Flippin the bill was made the Special order of the day, on Wednesday November 10th at 11 o'clock a.m.

Mr Collins by consent introduced a Bill entitled. "An" Act to amend section 2790 of Gantts Digest.

Which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Judiciary

Mr. Hill, of Calhoun by consent introduced a Bill entitled "An Act to prevent the selling of Corn, Wheat, Rye, oats or Cotton within specified hours."

(H. B. No. 241.)

which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to Committee on Agriculture,

Mr Martin by consent, introduced a Bill entitled "An Act to repeal section 1382 chapter 19 of Gantts Digest"

(H. B No. 250)

which was read the first time -

The rules were then on motion, suspended, the Bill read a second time, and referred to the Committee on — Agriculture.

Mr Judkins by consent introduced a Bill entitled "An Act to pay Hon J. R. Berry his salary as Auditor of State, from January 7th 1873 to May 27th 1874.

[H. B. No. 242.]

which was read the first time -

The rules were then, on motion, suspended, the Bill read a second time, and referred to the Committee on the Judiciary together with the Memorial of the Hon. James. R. Berry. Therewith, submitted as follows:

Little Rock Arkansas
November 1st /45-

To the Honorable the General Assembly
of the State of Arkansas:

The undersigned,
Petitioner would respectfully represent and show unto your honorable bodies. That on the 5th day of -

November 1872 he was elected as Auditor of State of the state of Arkansas; for and during the term prescribed by the Constitution and laws of the State. That on the 7th day of January 1873 he turned over under protest the Auditors Office, with all books, papers, records etc to one Stephen Wheeler (who was unlawfully and fraudulently declared by the General Assembly of said State on the 8th day of January 1873 to have been elected to said Office.) Petitioner in January 1873, brought suit in the Pulaski County Circuit Court for the possession of said Office and the emoluments thereof, and afterward the Supreme Court of the State decided that a contest for said Office of Auditor was exclusively within the Jurisdiction of the General Assembly and thereafter at the Extraordinary session of the General Assembly in May 1874 - Petitioner presented his petition for contest for said Office of Auditor, which was received, read and referred to a Joint Committee of both Houses of the General Assembly, and afterwards the Committee met, both the contestant and Contestee being present) and upon a full hearing of the evidence on the part of Petitioner, as such contestant and admitting as true all the evidence claimed by the said Stephen Wheeler, as such contestee, the Committee found that your Petitioner had received as such candidate for the Office of Auditor of State at said election held on the fifth day of November 1872 — 42.597 votes and that said Wheeler had received as such candidate at said election for said Office 40.953 votes leaving a majority of 1644 votes in favor of your Petitioner as such candidate for said Office, and upon such finding of the Joint Committee they agreed upon and made the following report, To wit:

Joint Committee

to whom was referred the matter of contest of Berry against Wheeler for the Office of Auditor of the State of Arkansas, raised as a consequence of the petition of said Berry presented to and entertained by this House, and upon whom was placed the duty of investigating the said matter of contest, beg leave to report that they served notices on the

parties contestant notifying them of the time and place of the meetings of said Joint committee, at which time and place said contestants J.K. Berry and Stepen Wheeler both appeared in person, and in writing and orally submitted their respective claims to said Office of Auditor and said Joint Committee after considering evidence submitted by said Berry on his behalf, which evidence consisted of sundry depositions taken in pursuance of notice served upon said Wheeler, by said Berry according to law said depositions showing the legal vote cast in several counties, at the regular Election held on the 5th day of November 1872. and after considering the sworn Statement of said Wheeler, and his oral statement touching the matter in controversy, and granting to him all that the claims under such sworn Statement (against the objections of said Berry) and considering that the returns of said Election as promulgated by the Presiding officer of the Senate on the 6th day of January 1873 are correct, except so far as modified by the evidence produced before this Committee find as follows, to-wit: That at said election said Berry received at least 42.597. votes and that said Wheeler received 40.953. votes leaving a majority of 1644. for said Berry." The premises considered the State is without doubt legally and justly indebted to your petitioner for the salary as Auditor of State, as then fixed by Law, from the 9th day of January 1873 to the 27th day of May 1874, amounting to $ 4.166 66/100 and by right ought to have the Perquisites attaching thereto during said period, but will not insist or ask further pay of Perquisites, but do insist on the payment of the salary for the period aforesaid.

Your petitioner in making his contest for the office to which the people elected him, has been at great expense and but for gross outrages, and frauds perpetrated by Corrupt partisans, your petitioner would have been in possession said office, for the period he was unlawfully deprived thereof and would have received the salary and perquisites of said office. And your petitioner further represents unto

Your Honorable Body that if the salary alone is paid him for the time claimed, it will not reimburse him for the outlay in his contest. Your Petitioner further insists that the payment of this claim will not open the door to any other person who might claim to have been elected to office in 1872. as in his other case was a contest made and determined by a Joint committee of the General Assembly, except in the case of your petitioner.

Your Petitioner further insists, that his claim should be paid because that in addition to the amount expended to possess himself of the office it is in accord with the voice of the people who overwhelmingly elected him to said office and thereby said he was entitled to the possession and Emoluments of the office. Attention is also called to the fact that Contestants for seats in Congress as well as for seats in our state Legislatures have been paid although failing to make out their case.

Your Petitioner therefore submits his applications for the payment of the salary as Auditor of state from the 7th day of January 1873 to the 27th day of May 1874. at the rates then allowed by law, and in duty bound &c

James. R. Berry.

Mr Powell by consent, introduced a Bill entitled "An Act to fix the place of holding the Courts of record of Clayton County —

(H. R. No. 243.)

which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Judiciary.

A message from the Senate by Hon Thos. H. Newton Secretary.

Senate Chamber
Nov 5th 1875.

Mr Speaker:

I am instructed by the Senate to

inform your honorable body of the passage by the Senate of Senate Memorial No 9

"A Memorial to Congress to improve the Navigation of Bayou Bartholomew"

Also of the passage by the Senate of Senate Memorial No 7. entitled

"A memorial to the Congress of the United States to inaugurate a National System of Levees"

Also of the passage by the Senate of Senate Bill. No. 248. entitled "An Act regulating the time and manner of holding elections for the determination of the amount of taxes to be levied for school purposes, and for ratifying such elections heretofore held during the year one thousand eight hundred and seventy-five"

and herewith respectfully submit the same for your Consideration

Thomas H. Newton
Secretary-

Mr Collins by consent, introduced a Bill entitled An Act to amend section sixty-two of Gantts Digest. (H. B. No. 244.)

which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Judiciary.

A Message from the Governor by Col L H Wood his private Secretary

State of Arkansas.
Executive Office
Little Rock March 5th 1875.

To the Hon Speaker & the House of Representatives
and the Members thereof -

Gentlemen:

I have approved and signed House Bill No. 123. An Act for the Government-

of County Jails and Poor-Houses.

Also House Bill No. 148. An Act to prohibit horse-racing within certain boundaries and herewith return the same

Very respectfully &c,
A.H. Garland
Governor of Ark

Mr Patton Chairman of the committee on public expenditures made the following report:

Mr Speaker:

The committee on public expenditures to whom was referred. H.J.R. No. 38. A joint resolution to adjourn sine die Nov 30" 1875; beg leave to state they have had the same under consideration, and herewith respectfully return the same with recommendation that it pass.

The report of the Committee was adopted.

The House then passed to the consideration of the regular order of business - being the consideration of H.J.R. No. 38:

"A Joint resolution to adjourn sine die Nov 30" 1875."

The joint resolution was read a third time and placed on its final passage.

The question being put, shall the resolution pass?

It was decided in the affirmative.

The roll was called and the following recorded members voted in the affirmative:

Anderson (Craighead)	Bradford.	Delaney
Anderson (Howard)	Bragg	Cleveland
Baird	Bright	Cluck
Baker	Burns.	Collins
Booe	Casey.	Copeland
Boston.	Cockrum.	Davis.

Dodson (Newton)	Maxwell	Ruddle.
Drake	McClellands	Russell
Dowell	McConnell	Sadler
Filippin	McRae	Shinn
Foster	Miller	Slaughter
Fulton	Morgan	Sawyers
Gardner	Moore (G Crawford)	Taylor
Gillis	Moore (G Woodruff)	Trimble
Green	Orr	Uniake
Grisson	Patton	Wall. Warren.
Hannah	Pot	Weir
Hill (Calhoun)	Polk	Wells (G White)
Humphrey	Powell	Wells (G Izard)
Kerr	Putman	Wiedorger
Little	Rice	Williams. Watt
Martin	Robinson (G Monroe)	Wolf.

Those voting in the negative were -

Buchanan	Jones	
Hill (Jefferson)	Spangler.	Mr. Speaker.

For the Affirmative	68
For the Negative	5
Not voting	31
	93.

So the House Joint Resolution was passed.

Mr McConnell by consent, introduced a Bill entitled "An Act to prohibit the sale of spiritous or vinous liquors within a distance of one half a mile of Hickory Grove school-house in Sebastian County Act (H.B. No. 245:

which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to a select Committee of three, together with the accompanying of the citizens interested.

Be the Honorable Senators and Representatives of the State of Arkansas:

"Cole Township" having a desire to build up a good society and establish a High School at "Hickory Grove" in said Township and as Hickory Grove is and has been for many years a place of public worship, free for all denominations, and

Whereas it enjoys at this time a good name for its society and in as much as we wish to preserve this good name, we would most respectfully ask that you have the accompanying "Bill" for the purpose of preventing the sale of all kinds of intoxicating liquors within ten and one half miles of Hickory Grove, School-house passed at your earliest convenience and as in duty bound we will ever pray &c

This Sept 16th A.D. 1875.

Names of Petitioners

Ben F Hackett
C.C. Medlin
S. B. Bender
A A Hackett
C. H. Warren
W F. Hackett
S. W. Johnson
C. D. Bender
Mrs Helen B. Hackett
" Amanda Blythe
" Alice M Hackett
" Amanda Baker
" Carrie C Wood
" Nellie. Clark.
James C Bye
Mrs M. A. Clark
" Mary Smith
" Jenny Wood
T J Johnson
Mrs C C Meekle
J W Mrs Meekle
Lonie Moore
Fannie. B. Moore
C D Swisher
D B Johnson Mrs D
Daniel Mozier
Sarah C. Lowe

William. G. Ramsey	Names of Petitioners
C. C. Baker	Dr B G Harrison
C. D. Lumans	Thos D Daniels
C. M. Carter	W P Bochell
Jos Mooneyham	J. S. Burks
C L Gordan	C. B. Reynolds
Lora Smith	Moses. Baker
James H Bedford	J. J. Beard
C H. Erwin	C. E. Adams.
Gordon Wright	D. D. Parnell
C. M. Brooks	S. S. Scott
C. C. Stalcup	C. C. McBride
C B. Allen	William Rape
C. M. Harris	C. F. Scott
C M C. Fabian	John McBride
C M Fabian	S. G. Chandler
Harry Pope	John Harper
B. F. Burke	J. A Wiser
C C Mooneyham	C Hackett
H. B. Peters	Chas Doty
C H Bates	W. R. Johnson
C R Hale.	H F Bailey.

Mr Gillis by consent, introduced a Bill entitled.
"An Act to increase the salary of the County and Probate Judge of Garland County.

(H. R. No. 247)

which was read the first time

The rules were then on motion, suspended, the Bill read a second time, and on motion of Mr Gillis the Bill was ordered engrossed and made the Special order of the day for Tuesday Nov 9th, 1875 at 10. 30. a.m.

Mr Baird by consent introduced a bill entitled -
"An Act to Change the time of holding the Probate Court of Jackson County

(H. R. No 247.)

which was read the first time

The rules were then on motion, suspended, the Bill -

read a second time.

On motion of
Mr Baird the Bill was ordered engrossed and made the Special order of the day for Monday November the 8th 1875. at 10. A.M.

Mr Slaughter, chairman committee on Ways and Means made the following report:

Mr Speaker:

The Committee on Ways and Means to whom was referred H. R. No. 237. An Act entitled "An Act for the relief of certain citizens of Columbia County.

beg leave to state they have had the same under consideration, and herewith respectfully return the same with a recommendation that it do not pass, as there is not sufficient evidence before your committee to warrant an appropriation, if there were no other objections to the bill.

Report of the Committee was adopted --

Mr Davis of Christ-Chairman of the Committee on Memorials made the following report:

Mr Speaker =

The committee on Memorials to whom was referred H Memorial No. 29. being the claim of Leo Pollock.

beg leave to state they have had the same under consideration, and herewith respectfully return the same with a recommendation that it do not pass. the same having once been adjudicated by the Military Board.

The report of the Committee was adopted.

Also further report from the same committee by Mr Davis chairman.

Mr Speaker:

The Committee on Memorials, to whom was referred the Memorial of Robert H Hamiter.

have had the same under consideration, and herewith respectfully return it with the recommendation that it do not pass.

On motion of

Mr Durham the Memorial and report were ordered to be laid on the table subject to the call of the House.

Mr Trimble Chairman of the Committee on Education made the following report:

Mr Speaker:

The Committee on Education to whom was referred House Bill. No 235, entitled "An Act to provide for the clothing and other personal expenses of the pupils of the benevolent Institutions of this State, have had the same under consideration and have stricken out the fifth section, and have instructed me to report the Bill back to the House, and recommend its its passage.

The report of the Committee was received and entered on the Journal.

On motion of.

Mr Collins the report of the Committee was adopted, and the bill ordered engrossed and made the special order of the day for Tuesday November 9th 1875 at 11 o'clock a m.

Mr. Trimble Chairman of the Committee on Education presented the following additional report:

Mr Speaker:

The Committee on Education to whom was referred House Bill No. 226. entitled "An Act to provide for the=

Arkansas Institute for the Blind, have had the same under consideration and the majority of the Committee have instructed me to report the Bill back to the House and recommend its passage-

The report of the Committee was received.

On motion of-

Mr Collins the report of the Committee was adopted and the bill ordered to be made the Special order of the day for Wednesday Nov 15" 1875 at 11 o'clock A.M.

The House then passed to the regular order of business being the Consideration of (S. B. No. 246) An Act entitled "An Act changing the time of holding the circuit Court of White County.

Which was read the first time and

On motion of

Mr Humphry the Bill was made the Special order of the day for thursday Nov 11" 1875 at 11.30 A.M. for third reading and final passage.

The House then passed to the regular order of business being the consideration of (S.B. No 194) An Act entitled - An Act to provide for changes of venue in Justices Courts

Which was read the first time -

The rules were then suspended.

The Bill was read a second time, and -

On motion of

Mr Durham the bill was ordered laid on the table subject to call of the House.

The House then passed to the regular order of business being the consideration of [H. B. No. 251.] An act entitled - "An Act for the relief of John P Bull, Sheriff and ex officio Collector of Taxes of Hempstead County.

which was read the first time.

The rules were then suspended.

The Bill was then read a second time and -

On motion of Mr Hannah the bill was referred to the Committee on Ways and Means.

The House then passed to the regular order of business being the consideration of [S.J.R. No. 32.] A joint resolution providing a Board to effect a final settlement with the United States respecting the lands of the State, sold by the United States.

which was read the first time.

The rules were then suspended,

The Bill was then read a second time, and -

On motion of Mr Browning the Senate Joint-Resolution was referred to the Committee on the Judiciary.

On motion of Mr Judkins leave of absence was granted Mr Little of Pulaski until Monday 2.30 P.M.

Mr Durham, by consent, introduced a bill entitled "An Act prescribing the manner and time of electing Special Judges of the County and Probate Courts (H.R. No. 248.]

Which was read the first time

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Judiciary

Mr Rice of Benton, by consent introduced a Bill entitled "An Act to amend Section 4483. of Gantts Digest (H.R. No 249.)

which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the committee on Judiciary.

The House then passed to the consideration of "(S.Mb.No 4.)
"A Memorial to the Congress of the United States in regard to the improvement of the mouth of the Mississippi river.

Which was read the first time and -

On motion of
Mr Humphrey the Memorial was indefinitely postponed.

Under a suspension of the rules for that purpose,

On motion of
Mr Sadler the House then passed to the consideration of S.C.R. No. 3.
A joint-resolution to provide for the settlement of conflicting claims to lands in this State arising under the swamp land grant, and under the grant in aid of Rail-roads.

Which was read the first time.

The rules were then on motion, suspended, the Bill was read the second time and referred to the committee on the Judiciary

Mr Anderson, of Craighead under a suspension of the rules for that purpose introduced the following resolution.

Resolved that the standing Committee on Education and the select-committee to whom was referred certain bills upon the subject of common schools be instructed to act together in the consideration of said bills.

Which was adopted.

The House then passed to the regular order of business, being the consideration of [S.B. No 97.] an act entitled "An Act to amend Section 55-16, 55-19. 55-21. and 55-22. of Section 120 of Garritts Digest of the statutes of Arkansas

Which was read the first time -

Mr McConnell moved that the rules be suspended and the Bill read the 2d time with a view of reference.

Which was not agreed to, two thirds of the members present not voting therefor.

Under a suspension of the rules for that purpose, Mr Browning gave the following notice

"I shall on Monday next move a reconsideration of the vote by which (H.R. No. 219.) "An Act amendatory of existing laws, regulating the sale of lands of the State", passed the House on Friday November 5" 1875.

Mr Wells, of Drew gave the following notice

Mr Speaker:

I hereby give notice that I will at some early day introduce a bill to authorize the Special School district of Little Rock to fund its outstanddiing indebtedness and for other purposes.

The House then passed to the regular order of business being the consideration of S.B. No. 187. an Act entitled "An Act making appropriation to procure confirmation of certain Lands.

Which was read the first time.

The rules were then suspended.

The Bill was read a second time and referred to the Committee on claims.

The House the passed to the regular order of business=

- being the consideration of Sen. Mem. No. 3. A memorial to the Congress of the United States to establish a mail route- from Clarton Co, Ark. to Clayton Co Ark

which was read the first time.

Mr Pennington Mr Kerr in the chair asked and obtained leave to give the following notice.

I hereby give notice that I will at an early day introduce a memorial, memorializing Congress to donate the public lands of the State of Arkansas to the same for school purposes.

Mr Speaker (Mr Kerr in the chair) announced the following as the select committee on H. R. No. 246. "An Act to prohibit- the sale of liquors or spiritous liquors within a distance of two and a half miles of Hickory Grove school-house in Sebastian County Arkansas.

Messrs

McConnell, Judkins-

-and Dunham

On motion of

Mr Wells of Drew, the special order for this hour 11,30. A.M. H.R. 232. An Act to change the boundary lines between the counties of Drew and Lincoln, was postponed until 11, 30 A.M. On Monday November 8" 1875.

The House then passed to the regular order of business being the Consideration of S.C.R. No 29. A joint-resolution in reference to the claims of heirs and widow of P.T. Smithfield deceased

which was read the first-time.

The House then passed to the regular order of business being the Consideration of S.B. No. 192. An Act entitled "An Act to remit- the penalties on lands subscribed or donated to Rail-roads.

which was read the first-time.

The rules were then Suspended.

The Bill was read a second time and referred to the Committee on the Judiciary.

The House then passed to the regular order of business being the Consideration of S.B. No. 196. an Act entitled "An Act to appropriate one thousand dollars to pay costs due and hereafter to become due to Mr. Coy late Clerk of the Supreme court and S.S. Barker the present clerk of said Court.

Which was read the first time.

The House then passed to the regular order of business being the Consideration of S.J.R No. 40. A Resolution upon the subject of fees.

Which was read the firsttime. and -

On motion of Mr McConnell the resolution was adopted.

And on motion of Mr Jenkins it was ordered by the House that the same Committee heretofore appointed by the House be authorized to act under this resolution.

On motion of Mr Rice Mr Shippin was added to the Committee

Mr Shippin moved that Mr Chaney be added to the Committee. which was not agreed to

The House then passed to the regular order of business being the Consideration of S.B. No. 25. "An Act entitled "An Act to permit sheriffs to take bail in Certain cases."

Which was read the first time.

The rules were then suspended.

The Bill was read a second time.

On motion of Mr Taylor the Bill was made the special order of the day for 10. a.m. November 9th 1878.

The House then passed to the regular order of business being the consideration of S.B. No. 236. an Act entitled "An Act to authorize the State Board of Election Supervisors to deposit the records and papers of Election in the office of Secretary of State and to fix their compensation.

Which was read the first time.

The rules were then suspended

The Bill was then read a second time and referred to the Committee on Elections.

Then at 12.15 P.M. on motion of Mr Jenkins the House adjourned until Monday morning at 9 o'clock.

J.W. Spaulding Clerk

A.A. Pennington Speaker House of Rep.

Monday Morning
November 8" 1875.

The House met pursuant to adjournment.

Anderson (Monaighead)	Hosten	Orr
Anderson (Howard)	Frazier	Patton
Baird	Fuller	Poe
Baker	Fulton	Polk
Barrett	Gardner	Powell
Boon	Gillis	Putnam
Bostic	Green	Rice
Boston	Grissom	Robinson (of Monroe)
Bradford	Hannah	Ruddle
Bragg	Headlee	Rumph
Bright	Hill (Calhoun)	Russell
Browning	Hill (Jefferson)	Sadler
Burns	Hoover	Sanders
Casey	Humphrey	Shinn
Cochran	Jones	Slaughter
Cheney	Jenkins	Sawyers
Cleveland	Kerr	Spangler
Coffey	Love	Taylor
Coleman	Martin	Trimble
Collins	Maguire	Venable
Copeland	McClelland	Wall
Davis	McConnell	Wann
Dodson (Newton)	McRae	Weir
Dodson (Randolph)	Miller	Wells (of Duke)
Durham	Morgan	Wells (of Pitt)
Drake	Moore (of Crawford)	Wildberger
Dowell	Moore (Union)	Witt. Wolf
Flippin.	Moore (Woodruff)	Mr Speaker.

A quorum of the House present

Prayer by the Chaplain

The Journal of the preceding day was then read and approved

On motion of Mr Green leave of absence for the day was granted Mr Blark to wait upon a sick friend.

On motion of Mr Collins leave of absence for one day was granted to Mr Grall.

Mr Chaney was granted leave of absence for the day on account of sickness.

On motion of Mr Judkins the regular order of busines was suspended for one hour, for the purpose of receiving the reports of Committees, Resolutions motions, and the introduction of Bills.

On motion of Mr Martin, the House agreed to reconsider the vote, by which the rejected Senate bill No. 181. entitled, "An Act to define the lines between the counties of Jefferson, Grant, and Dorsey.

Message from the Senate by S. W. Newton, Secretary.

Senate Chamber
Nov 8th 1875.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of House Bill. No. 210. entitled

"An Act to repeal Section 2783. of Chapter 57. of Gantts Digest."

Also of the indefinite postponement by the Senate of House Bill No. 166. entitled

"An Act declaring the game or swindle called "Three-card-monte, and other confidence games, a felony, and fixing the penalties"

and herewith respectfully return the same.

Thomas W. Newton Secretary.

Also a further message from the Senate.

Senate Chamber
November 8th 1875.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill No 257. entitled

"An Act to make an appropriation to pay the Salaries of Assessors"

Also of the passage by the Senate of Senate Bill No. 252. entitled "An Act to authorize the sale of lands belonging to Estates of deceased persons."

Which herewith respectfully submit the same for your consideration.

Thomas W Stanton
Secretary.

A further message from the Senate.

Senate Chamber
November 8th 1875.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of House Memorial No. 23. entitled

"A memorial memorializing Congress to pass an act refunding the cotton tax."
with the following amendments thereto -
Strike out in the first resolution the words "to the people of the cotton growing states."
And amend last resolution by making it read "our Senators and Representatives" in place of one Senator and Representative
and herewith respectfully return the same for your Consideration.

Thomas W Stanton
Secretary.

Mr Patton Chairman of select Committee on Memorial of Washington County made the following report:

Mr Speaker:

The select Committee to whom was referred the Memorial of the County Court of Washington County praying for an appropriation of $16,000 (and recommended by his Excellency the Governor) which was erroneously collected by said County, contrary to the law governing the same, have had the same under Consideration and herewith respectfully return it, with the recommendation that it be granted, and the passage of the bill accompanying this report.

Mr Patton Chairman of select Committee by consent introduced a Bill entitled "An Act to refund to Washington County the taxes erroneously collected by the collector from the Tax Payers of said County. H. R. No. 257.

which was read the first time.

The rules were then on motion suspended, the Bill read a second time, and referred to the Committee of the whole house on Wednesday 11.30. A m.

On motion of Mr Cleveland leave for the day was granted Mr Copeland on account of sickness.

Mr Taylor of St Francis by consent, introduced a Bill entitled "An Act to incorporate the Arkansas Home Institute (H R. No 252.

Which was read a first time.

The Rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Education together with the accompanying Petition from the citizens interested:

"Notice is hereby given that applications will be by-

-ree made to the General Assembly to meet November prox, for an act-
to incorporate the Arkansas Home Institute, and exempt from tax-
-ation the buildings apparatus, library and ten acres of land
on which the same is situate, in St-Francis County State of Arkan-
-sas so long as the same is used for school purposes.

Dec-9-4 Ors

B. F. Thomas,

I Thomas H Avery publisher of the Forest City Times a weekly news-
-paper published in the County of St Francis, State of Arkansas do
certify that the appended notice was published for four con-
-secutive weeks in said paper the first insertion being made on
Saturday October 9th the second on Saturday Oct 16th the third on
Saturday October 23th the fourth on Saturday Oct 30th 1875.

Thomas H. Avery
Publisher

Subscribed and sworn to before me this 6th day of November
A. D. 1875.

H. C. Davis Clerk
St Francis co. Arkansas

To the Senate and House of Representatives composing the
General Assembly of the State of Arkansas:

Whereas, Elder. B. F Thomas has had erected on a tract of land
owned by him and described as the west half of section
one township four. No - range two east, St Francis co
Arkansas suitable when completed to accommodate
some twenty boarders, with ample room, study recitation
&c. said buildings having been put up in part at his
own expense and in part by means donated by the
friends of Education, and
Whereas the said Thomas proposes to establish and keep
up a Literary Institution of high order affording all
necessary facilities for students to pay their way by work
and believing that his experiance as a minister of
the Gospel and as a teacher eminently qualify him
for the undertaking, therefore the undersigned citizens
of St Francis county Arkansas do hereby respectfully
petition your Honorable body to pass a bill at your
November adjourned session incorporating the Institute
referred to above, and exempting from taxation the buildings

(10)

furniture, library, ten acres of land on which the same is situate so long as the same shall be used for school purposes, and for this year. Petitioners will ever pray

G W Loughry
H C Davis
Thos Pierce
John R Greely
W H Pearce
W H Gobey
J W. Haynes
J M. Grant
J. C. Davis
John H Cooke
D. W. Beck
J. W. Dennis
V. B. Gard
J. R. Brown
H. V. Tennal
W L. Morris
Wm Rollet
J C Izard
A S. Bradley
J. P. Keathley
Thos W. Whitacre
E. R. Keright
C L Bright
W. H. Winfield
J. H. Owens
A. W. Winthrop
J D Vaughn
J. D. Hatcher
Jos. H. Sanders.

L Bollinger
James W Bright
H C Davis
W L Letton
J R Sembler
J. D. Castell
W. C. Mathers
R. W. Dye
J. L. Ketchens
Thomas Allen
W J Nettleton
John Parham
J. F. Stocker
H. H Mathers
W J Prudence
John M Parrott
C. M Lowder
John. M. Davis
A. M. Russell
J. C. Bradham
W. L. Thompson
W. H. McDaniel
G. W. McCormick
James. W. Hannah
F. M. Folsom
J. G. English
C. B. Lee
D A Brooks
W. J. Coleston.
A C Casteel
Thos C Talbot, W. H. Pope
J F Rudder J. G. Lee.
John A Cotton
L H Haskins. J. H. Yosley.
H. G Long. A L Wright
John M Gray Shelton Littlefield
John C Wyman. J H Crabtree
Robert J Scott Smith R. Reed

-John Ellett. John Faulkner. John Taylor.

Mr Slaughter by consent introduced a Bill entitled "An Act to constrm the General Insurance laws of the State of Arkansas; and an act amendatory thereof, approved February 27" 1875- "An Act to establish a Insurance Bureau and to abolish the Office of Insurance Commission" (H. R. No. 253.)

Which was read the first time

The rules were then on motion, suspended, the Bill read a second time and referred to the committee on Insurance.

Mr Warren of Sharpe by consent introduced a Bill entitled "An Act to establish the line between the Counties of Sharpe and Fyard. (H. R. No 354.

Which was read the first time.

The rules were then, on motion, suspended, the Bill read a second time, and referred to the committee on County and County lines together with the accompanying petitions of the citizens interested.-

State of Arkansas
County of Fyard

To whom it may concern
Take Notice

That at or after the expiration of thirty days from this date we intend to apply to the General Assembly of the State of Arkansas for the passage of a bill to detach all that portion of the County of Fyard lying east of a line beginning on the township line dividing townships eighteen (18) and nineteen (19) north at the north east corner of section four (4) in township eighteen (18) North of range seven (7) west, thence south with the section lines to the County line between the counties of Fyard and Independence, from said =

-County of Izard, and to attach the same to the County of Sharp
This 14th day of January A. D. 1875:

John H. Godwin
Holley Prater
John Sharp
Frank Brown
Thomas Horn
E. A. Brown
E. M. Cunningham
James Mullins
And others—

State of Arkansas }
County of Izard } ss

On this day personally appeared before the undersigned a Justice of the Peace within and for the county of Izard John H. Godwin, of said County and after being by me duly sworn, he deposes and says that he did on the 14th day of January A.D. 1875 within that portion of the territory of Izard county lying east of a line beginning on the township line dividing townships eighteen (18) and nineteen (19) north, at the north east corner of section four (4) in township eighteen north of range seven (7) west, thence running south with the section lines to the county line between the Counties of Izard and Independence, at two of the most public places within said territory, post two written hand bills which said hand bills are in words and figures as follows, to wit:

County of Izard.

To whom it may concern

Take Notice, that on or after the expiration of thirty days from this date we intend to apply to the General Assembly of the State of Arkansas for the passage of a bill to detach all that portion of the County of Izard lying east of a line dividing township eighteen (18) and nineteen (19) north at the north east corner of section four (4) in township eighteen (18) north of range seven (7) west thence south with the

Section lines, to the county line between the counties of Izard and Independence, from said county of Izard and to attach the same to the county of Sharp
This 14" day of January A.D. 1875.

(Signed)

John W. Godwin
Hally Prater
John Sharp
J. F Brown
Thomas Horn
E. H. Brown
J. M Cunningham
James Mullins
And others

And affiant further states that he procured four other hand bills of the same date and in the same words and figures to be posted at four several other of the most public places in said territory at the time aforesaid.

John. W. Godwin.

Subscribed and sworn to before me this 26" day of January 1875.

Wm Billingsley

Justice of the Peace for
Izard County Arkansas.

Izard County Ark
January 12" 1875.

To the Honorable the Senate and House of Representatives of the State of Arkansas:

Your Petitioners citizens of the said County of Izard State of Arkansas and resident voters of the territory hereinafter described would respectfully represent that owing to our geographical situation in said Izard county, it is inconvenient for us to transact our ordinary business at the county seat of said county as well as to attend the terms of the several courts of said County, and that it would be very convenient for your petitioners in the transaction of all their legal business if the territory hereinafter described including the residences of your Petitioners

was detached from the county of Izard and attached to the County of Sharp.

Your petitioners therefore pray that all that portion of Izard county lying east of a line, beginning on the township line dividing Townships eighteen (18) and nineteen (19) north at the north east corner of section four (4) in township eighteen (18) north of range seven (7) west, thence South to the section lines to the County lines between the Counties of Independence and Izard, be detached from the county of Izard and attached to the county of Sharp

And your petitioners will ever pray &c

Names.

H. W. Brown
D. A. Brown
McMurrey
W. B. Duke
Jas. M Brown
J. L. Martin
B. C. Phillips
J. H. Frizzell
J. F. Ragan
R. F. Jack
Jas. M. Brown
G. P. Millerford
Henry Jones
James Heightower
B. S. Hally
A. C. Jack
W R Baker
William Couch
J A Duke
Monroe Duke
J. C. Erwin
F G Elles
J. H. Mills
B. H. Brown
J. F. Finley
Rice McElmurry.
James Kittle.

Names

L J Carpenter
N. L. Herman
J. F. Johnson
J. M. Taylor
Joseph Brander
W. H. Elliott
Hillery Mullens
M D Crutchfield
D. H. Hardister
J. H. Martin
W Martin.
Williams Kimmery
Samuel Martin
R. C. Biggers
J. R. Nelson
Henry McKamarry
J. R. Harris
Williams Farrier
John Suttle
Wm Suttle
Danl. B. Whitener
Alfred Whitener
Williams A McKee
Wm F Burrage
Robt F Brickalds
E H Meeks
H. R. Meeks.

John Nelson jr
John Nelson
W. F. Bailey
W. H. Moses
W. H. Rees
C. K. Ford
Thos A Morris
J. P. Cargle
Cal Suttle
J W M Gaines
J. M. Cunningham
Jacob Johnson
Benjamin Aaron
D. L. Shorn
J. R Vaughn
W. A. Vaughn
J. H. Anderson
D. P. Cooper
B. F. Whit
Wm Ferguson
Daniel Shelton
James H. Gilbreth
W. R. Franks
W. C. Medford
J. H. Williams
M. V. Graham
G. W. Pollock
J. H. Lambkins
G. W. Ferguson
A W Pilkenton
A L Jackson
Wm Mills
W. L. Sliderwell
F. M. Lambkin
W M. Rainey
Robt Price
James Bliss
J. M. Bales
A. P. Stewart
John Struthers
J. H. Godwin,

J. D. Rogers
J. M. Rogers
A. J. Cathey
C. W. H. McDonald
Andrew M. Thomas
Daniel Seargeo
C. A. Ferguson
A. S. Kerr
W. F. Bragg
John Crouch
James P. Winchester
John Dalin
Wm Hatfield
A. J. Whaley
Mc B Falkner
J. H. Friar
Andrew Friar
C. C. Stamps
William Wilson
William Martin.
W. C. Medford
C. B. Crisp
J. A. A. Billingsley
J. W. Ferguson
John Seat
[illegible]
Eldridge Walker
John W. Baker
W. C. Moore
C. M. Jackson
John Sharp
Henry Langford
Hallen Slater
J. W. Rogers
J. W. Jones.
Early Killmer
P. B. Medley
Jno W. Roberts
Nick Cathens.

Mr Saylor, of St Francis, by consent, introduced a Bill entitled "An Act to amend an act entitled An Act to regulate the labor system."

(H R No 255.)

which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and ordered Engrossed and made the Special order of the day for Thursday Nov 11th 1875 at 10.30. A.M.

On motion of

Mr McDonnell Dr Beath was invited to a seat within the bar of the House.

Mr Wells, of Dave. Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred S.B. No 185. An Act entitled "An Act to amend the attachment Laws of the State of Arkansas

have had the same under consideration, and herewith respectfully return it with the recommendation that it do pass.

The report of the Committee was received. and

On motion of

Mr Wells, of Dave, the report was adopted.

The House passed to the consideration of S.B. No 180. a bill entitled "An Act to amend the attachment laws of this State"

The Bill was read a third time and placed on its final passage

The question being put, Shall the Bill pass?

It was decided in the affirmative

The roll was called and the following named members-

Voted in the affirmative

Anderson (Howard)	Hannah	Rice
Baird.	Hill (of Calhoun)	Robinson (of Monroe)
Barrett	Hoover	Ruddle
Bostic	Humphrey	Rumph
Boston	Jones	Russell
Bradford	Judkins	Sadler
Bright	Kerr	Shinn
Browning	Love	Slaughter
Burns	Martin	Spangler
Casey	McClelland	Taylor
Cochran	McConnell	Trimble
Davis	McRae	Tremble
Dodson (Fentress)	Miller	Vance
Drake	Morgan	Wells (of Dyer)
Dunham	Moore (Cumberland)	Weir
Durrett	Moore (Union)	Wells (of White)
Fulgham	Moore (Woodruff)	Williams
Fulton	Orr.	Witt
Gardner	Patton	Wolfe
Gillis	Peek	Mr Speaker
Grissom	Putman.	

Those voting in the negative were:

Anderson (Knoxville)	Frazier	Maxwell.
Baker	Green	Poe.
Cleveland	Hill (of Jefferson)	Powell.

On the affirmative	28
On the negative	4
Not voting	21
	73

So the bill was passed.

Mr. Your Chairman of the Committee on Engrossed Bills, made the following report:

Mr Speaker:

The Committee on Engrossed Bills, to whom was referred H. B. No. 234. an Act entitled "An Act to amend Sec 75- of an act entitled "An Act fixing the regular-

terms for holding the county courts of the State and for fixing the salary of the County Judges and the per diem pay of Associate Justices in the several counties in this state approved Feby 5th 1875.

Also H R No 232. entitled "An Act changing the Boundary Line between Drew and Chicot counties.

Also H. B. 247. "An act changing the time of holding the Probate Court of Jackson County.

and after carefully examining the same, find said Bills correctly engrossed.

The report of the Committee was received and entered upon the Journal.

Mr Venable by consent introduced a Bill entitled "An Act to fix the time of holding the County and Probate Courts of Conway County. (H R No 256.)

which was read the first time

The rules were then, on motion, suspended, the Bill read a second time.

On motion of
Mr Venable the Bill was made special order for Friday Nov 12th 1875 10. a.m.

Under suspension of the rules, Mr Poe gave the following notice:

Mr Speaker:

I hereby give notice that I will at an early day, introduce a Bill for the relief of William Joyner, S.S. Parker, R K. Morton, J.W. Merritt, Johns Barge & J. Bolger and others.

On motion of
Mr Phippin the regular order of business was postponed in order to take up (Senate Bill No 194)

An Act to provide for changes of venue before Justices of the Peace

The bill was read a third time and placed on its final passage.

The question being put, shall the bill pass?

It was decided in the affirmative.

Those members voting in the affirmative were:

Anderson (Craighead)	Gardner	Orr
Anderson (Howard)	Gillis	Patton
Baird	Green	Pyle
Baker	Grisson	Polk
Barnett	Hannah	Powell
Barr	Hill (Calhoun)	Pittman
Boston	Hill (Jefferson)	Rice
Bradford	Hoover	Robinson (Bourbon)
Bragg	Humphry	Riddle
Bright	Jones	Rainwater
Browning	Jenkins	Russell
Burris	Kerr	Sadler
Busey	Love	Sparks
Cochran	Martin	Slaughter
Cleveland	Maxwell	Spangler
Davis	McClelland	Taylor
Dodson (Stanton)	McConnell	Trimble
Drake	McRae	Tenuta
Dunham	Miller	Wann. Weir.
Dowell	Morgan	Wells (Dunn)
Flippin	Moore (Crawford)	Wells (White)
Foster	Moore (Union)	Williams. Witt.
Fulton.	Moore (Woodruff)	Wolf. Mr. Speaker.

Mr. Sadler voting in the negative.

For the affirmative	70
For the negative	1
Not voting	22
	93.

Mr Rice of Benton by consent, introduced a Bill entitled
"An Act to regulate the sale of property for taxes."
H.R. 257 [H.R. No. 257.]

which was read the first time

The rules were then on motion, of Mr Putnam suspended, the Bill read a second time and referred to the Committee on Judiciary.

Mr Dunnagh under a suspension of the rules gave the following notice:

Mr Speaker:

Notice is hereby given that I will at an early day introduce a Bill for the purpose of indemnifying the Sheriffs of the several Counties of this State who have had to pay the expense in currency for bringing Criminals to the Penitentiary, and have had to receive state scrip at par for their fees.

The House then on motion of Mr Taylor of St Francis passed to consideration of House Report (No 186).

"An Act to provide for the survey and record of all town platt, additions and supervisions"

The bill was read a second time, and,

On motion of Mr Taylor the bill was referred to the Committee on the Judiciary.

Mr Durham moved that the rules be suspended, to enable him to introduce a bill.

Which was not agreed to.

The hour of 12 M having arrived, the House took up the special order of the day: being the consideration of H.R. No 147 / a Bill entitled

"An Act to change the time of holding the Probate Court of Jackson County"

The Bill was read a third time, and placed on its final passage.

The question being put, shall the bill pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Anderson (Bruighead)	Gardner	Orr, Patton
Baird	Gillis	Poe Polk
Baker	Green.	Powell
Barrett	Grissom	Putnam
Boot	Hannah	Robinson (of Monroe)
Bostic	Hill (Calhoun)	Ruddle.
Boston	Hill (Jefferson)	Rumph.
Bradford	Hoover	Russell.
Brady	Humphry	Sadler
Bright	Jones	Shinn
Browning	Judkins	Slaughter
Burns	Kerr	Spangler
Casey	Love	Taylor
Cochran	Martin	Trimble
Davis	Maxwell	Venable
Dodson (Newton)	McClelland	Vann
Drake	McConnell	Weir
Durham	McRae	Wildberger
Dowell	Miller	Williams
Flippin	Morgan	Witt.
Foster	Moore (Crawford)	Wolfe
Hutton	Moore. (Woodruff)	Mr Speaker.

None voting in the negative.

In the affirmative 68
In the negation None
Not voting 25
93

So the bill was passed.

The hour of 10. a.m. having arrived the House took up the special order of the day: being the consideration of (H. R. No. 160.) a Bill entitled

"An Act to re-district the State for Congressional purposes. to-gether with the following Senate amendments thereto, viz

In section 5 strike out-
"Crawford" in the 4" section after "Clark".
In 4" section strike out-Lourke in second section after "Lawrence"
In 5th section insert "Marion" after "Madison" which was inadvertently omitted.

The question being put, shall the Senate amendments be adopted?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Anderson (Craighead)	Hulton	Trimble
Anderson (Howard).	Gardner	Venable
Baird.	Hill (Calhoun)	Vorris
Baker.	Jones	Wells (of Dent)
Barrett.	McClelland	Wildberger
Broe.	McRae	Williams
Boston.	Miller	Wolf.
Bradford.	Morgan	
Bragg	Moore (Crawford)	
Bright-	Orr	
Casey	Patton	
Cleveland	Polk	
Collins	Powell.	
Davis	Putnam	
Dodson (Newton)	Rice	
Drake	Robinson (of Monroe)	
Durham	Ruddle	
Dowell	Rumph	
Filippin.	Spangler	
Foster.	Taylor	

Those members voting in the negative were:

Bostic	Hoover	McDonnell
Browning	Humphrey	Moore (Woodruff)
Burns	Jenkins	Poe
Coleman	Kerr	Russell
Greer	Love	Sadler
Grisson	Martin	Slaughter. Smyers.
Hill (of Jefferson)	Maxwell.	Stein. Stitt. Wolf
		Mr Speaker.

For the affirmative	47
For the negative	24
Not voting	22
	93

So the Senate amendments were concurred in.

Mr Wells, of DREW chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred H. B. No. 248. An Act entitled "An Act to prescribe the manner and time of electing Special County and Probate Judges.

have had the same under consideration, and herewith respectfully return it with the recommendation that it do pass.

The report of the committee was received and

On motion of Mr Wells, of Drew, the report was adopted

On motion of Mr Poe the bill was ordered Engrossed and made the special order for 11 a. m. tomorrow.

Mr Wells of Drew, chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee

on Judiciary to whom was referred S.B. No. 190. An act entitled "An Act regulating the appointment and duties of Prosecuting Attorneys, and for other purposes have had the same under consideration and herewith respectfully return it with the recommendation that it do pass.

The report of the Committee was received and adopted.

The hour of 10.30 a.m having arrived, the House took up the special order of the day: being the consideration of S.B. No. 190.) a Bill entitled "An Act regulating the appointment and duties of Prosecuting Attorneys And for other purposes.

On motion of.

Mr Wells, of Drew.

The Bill was read a third time and placed on its final passage.

The question being put, shall the Bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Braighead)	Carey	Green
Anderson (Howard)	Cleveland	Grissom
Baird	Coleman	Hannah
Baker	Davis	Hill (Calhoun)
Barrett	Dodson (Nevada)	Horne.
Bone	Drake	Jenkins.
Bostic	Durham	Love
Bradford	Dowell	Martin
Bragg	Flippin	Maxwell
Bright.	Fosten	McClellan
Browning	Fulton	McConnell
Burns.	Gardner.	McRae.

Miller
Morgan
Moore (of Crawford)
Moore (of Woodruff)
Orr
Patton
Pace.
Polk.
Powell
Robinson. (of Monroe)
Ruddle
Rumph
Sadler
Slaughter
Sprayers
Taylor
Trimble.
Vinsale
Vann
Wells. (of Desha)
Wildbergers
Williams
Wolfe
Mr Speaker.

Those members voting in the negative were:

Collins
Moore (of Union)
Putman
Rice
Shinn.
Spangler.
Witt.

In the affirmative 57
In the negative 7
Not voting 27
93

So the Bill was passed.

The hour of 11.30. a m. having arrived, the House took up the Special order of the day: being the Consideration of H. R. No. 232. a Bill entitled "An Act changing the boundary line between Drew and Lincoln Counties

The Bill was read in third time and placed on its final passage.

The question being put, Shall the bill pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative: Boyd, Bozeman, Bradford, Bragg, Bright, Browning, Casey, Cochran, Cleveland, Columan, Davis, Drake.

Durham
Dowell
Flippin
Foster
Fullilove
Gardner
Green
Grisson
Hannah
Humphrey
Jones.
Judkins
Martin
Maxwell
McClelland
McConnell
Morgan
Moore (Union)
Moore (Crawford)
Moore (Woodruff)
Orr
Patton
Poe
Polk
Putman
Rice
Robinson (of Monroe)
Ruddle
Rumph
Russell
Sadler
Shinn
Slaughter
Sayers
Sparkman
Trimble
Venable. Vaughn
Wells (of Drew)
Wildeberger. Williams
Witt. Wolf. Mr Speaker

Those voting in the negative.-

In the affirmative 56.
In the negative Those
Not voting 37
93

So the Bill was passed.

The hour of 11.30, a m having arrived, the House took up the Special order of the day: being the consideration of H. R. No. 234, a Bill entitled "An Act to amend section 75 of an act fixing the regular times of holding the county courts of the State and for other purposes.

The Bill was read a third time and placed on its final passage.

The question being put: Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative: =

Anderson (Craighead)	Hosteo	Polk
Anderson (Howard)	Hutton	Powell
Baird	Jacobs	Putman
Baker	Gillis	Rice
Barnett	Grissom	Robinson (of Monroe)
Boyce	Hannah	Ruddle
Bostic	Hill (Jefferson)	Rumph
Bradford	Hoover	Russell
Bragg	Humphry	Sadler
Bright	Jones	Shinn
Browning	Judkins	Slaughter
Casey	Love	Snyders
Cochran	Martin	Spangler
Cleveland	Maxwell	Trimble
Coleman	McClellan	Venable
Collins	McConnell	Wann. Weir.
Davis	Morgain	Wells (of Drew)
Dodson (Newton)	Moore (Crawford)	Wildenger
Drake	Moore (Union)	Williams
Dunham	Moore (Woodruff)	Witt
Dowell	Ors	Wolfe
Flippin.	Patten. Pac.	Mr Speaker.

None voting in the negative

In the affirmative 68.
In the negative None
Not voting 25
93.

So the bill was passed.

Mr Pennington (Mr Bragg in the chair) under a suspension of the rules for that purpose, intro=duced H.J.M. (No 39) A memorial to the Congress of the United States, asking the donation of the Remaining Public Lands of the State of Arkansas for Educational purposes.

The Memorial was read the first time.
On motion of

Mr Flippin the rules were suspended

and the Memorial was read a second time, and

On motion of Mr Humphry was referred to the committee on Memorials.

In accordance with notice heretofore given Mr Browning moved to reconsider the vote by which the House agreed to pass House Bill No. 214, entitled "An Act amendatory of existing laws, regulating the sale of the lands of the State.

Mr Durham moved as a substitute that the clerk be directed to notify the Senate that the House requests the return of said bills.

Mr Pennington (Mr Bragg in the chair) moved that the later motion be laid on the table.

Pending which.

A message from the Senate

Senate Chamber
November 8th /45:

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the appointment by the Senate of the following committee on the part of the Senate to-wit- Messrs Sims, Loughborough and Grey to confer with a like committee on the part of the House appointed a few days since "touching the matters of the Governors message in reference to the Centennial Exposition"

Respectfully
Thomas. H. Stevens
Secretary.

On motion of Mr Russell the House at 1 o'clock adjourned.

J. D. Gunnells
Clerk

A. A. Pennington
Speaker pro tem

Tuesday Morning
November 9th 1945

The House met pursuant to adjournment.

The roll was called and the following named members answered to their names:

Anderson (Craighead)	Dowell	Moore (Crawford)
Anderson (Howard)	Flippin	Moore (Union)
Baird	Froster	Moore (Woodruff)
Baker	Fulton	Orr
Barrett	Gardner	Patton
Bone	Gillis	Poe
Bostic	Green	Polk
Boston	Grissom	Powell
Bradford	Hannah	Putman. Rice.
Bragg	Headlee	Robinson (J. Monroe)
Bright	Hill (Calhoun)	Ruddle
Browning	Hill (Jefferson)	Rumph
Burns	Hoover	Russell
Casey	Humphry	Sadler
Cochran	Jones	Shinn
Chaney	Judkins	Slaughter
Cleveland	Kerr	Smyers
Cluck	Little	Spangler
Coleman	Love	Taylor
Collins	Martin	Thrasher
Copeland	Maxwell	Treadaway
Davis	McClelland	Wall.
Dodson (Stewart)	McConnell	Wells (of Dew)
Drake	McRae	Wells (of White)
Durham	Miller	Wildberger. Williams
Dodson, (Randolph)	Morgan.	Wirt. Wolf. McSpeaker.

A quorum of the House present

Prayer by the Chaplain.

The Journal of the preceding day was then read and approved

On motion of
Mr Bradford, the leave of absence on account of sickness heretofore granted Mr Frazier was extended to the 13th inst;

On motion of
Mr Dodson of Randolph leave of absence for the day was granted Mr McClelland on account of sickness.

Messrs Headley and Chaney were excused for the day on account of indisposition

On motion of
Mr Hill of Jefferson, the leave of absence heretofore granted Mr Robinson of Desha was extended until Saturday the 13th Nov 1875.

On motion of
Mr Browning the regular order of business was suspended, for one hour for the purpose of the introduction of bills, resolutions and notices and the reception of reports from Committees.

N.R. vol

Mr Browning by consent; introduced a Bill entitled "An Act to establish a Department of Agriculture for the State of Arkansas.
[H.R. No. 259.]
which was read the first time

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on Public Expenditures.

Mr Hill of Calhoun by consent; introduced a Bill entitled "An Act to prevent discrimination in County warrants."
[H.R. No. 258.]
which was read the first-time.

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on =

Mr Browning Chairman of the Committee on Agriculture made the following report:

Mr Speaker:

The Committee on Agriculture to whom S. B. No. 193. an act entitled "An Act for the relief of Laborers and Mechanic's"

beg leave to state they have had the same under consideration, and herewith respectfully return the same with a recommendation that it do pass.

Report of the Committee received and adopted.

The House passed to the consideration of S.B. No. 193. a bill entitled. "An Act for the relief of Laborers and Mechanic's"

On motion of Mr Little, the Bill was read a third time and placed on its final passage.

The question being put, Shall the Bill pass?

It was decided in the affirmative:

The roll was called and the following named members voted in the affirmative:

Anderson (Howard)	Collins	Patton
Baker	Copeland	Powell
Boon	Davis	Price
Bostick	Dodson (Newton)	Russell
Bradford	Dodson (Randolph)	Slaughter
Bright	Dunham	Taylor
Browning	Dowell	Trimble
Burns	Filkpsin	Tribble
Casey	Fulton	Wall
Cochran	Green	Warren
Cleveland	Hannah	Williams
Clinch	Jones	Witt
Coleman	Moore (of Crawford)	

Those voting in the negative were

Anderson (Craighead)	Little	Patterson
Baird	Martin	Robinson (of Monroe)
Bragg	Maxwell	Ruddle
Drake	McCloonnell	Rumph
Foster	McRae	Sadler
Gardner	Miller	Shinn
Gillis	Morgan	Sawyers
Grisson	Moore (of Union)	Spangler
Hill (Calhoun)	Moore (of Woodruff)	Weir
Hill (Jefferson)	Orr	Wells (of Drew)
Jenkins	Poe	Wildenger
Kerr.	Polk	Wolf. Mr. Speaker

For the affirmative 39
For the negative 38
Not voting 16
93

So the bill was passed.

A message from the Senate by Thos. B. Newton Secretary.

Senate Chamber
November 9th 1975

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill No. 268. entitled "An Act to change the time of holding the circuit Court in certain counties in the Fourth Judicial Circuit in the State of Arkansas"
and herewith respectfully submit the same for your consideration.

Thomas B. Newton
Secretary.

Also a further message from the Senate.

Senate Chamber
Nov 6th 175.

Mr Speaker:-

I am instructed by the Senate to inform Your honorable body of the passage by the Senate of Senate Bill. No. 249.

"A Bill for an act to amend Sec 10 of an act entitled an act to establish the Law of forcible entry and detainer"

Also of the passage by the Senate of Senate Bill No. 258. entitled

"An act requiring all State and County Officers to procure their Commissions and for other purposes"

and herewith respectfully submit the same for your Consideration.

Thomas. G. Newton
Secretary.

Mr Browning Chairman of Committee on Agriculture submitted the following report:

Mr Speaker:

The Committee on Agriculture to whom was referred H. B. No. 250. An act entitled "An Act to amend Sec 1382 Chap 19 of Gantts Digest"

beg leave to state they have had the same under consideration, and herewith respectfully return the same with a Recommendation that it do pass

Mr Mcdonnell moved that the bill be recommitted to the committee on the Judiciary.
Which was adopted.

Mr Browning chairman of the committee on Agriculture made the following report:

Mr Speaker:

The committee on Agriculture to whom was referred (H.R. No 241.) an Act entitled "An Act to Prevent the buying or selling corn, wheat-Rye, oats or Cotton within certain hours

beg leave to state they have had the same under consideration, and herewith respectfully return the same with a recommendation that it do not pass

The report of the Committee was adopted.

Mr Humphrey moved that the bill be indefinitely post-poned.

Which after discussion was not agreed to -

Then on motion of Mr Gardner the bill was ordered re committed to the committee on the Judiciary.

Mr Collins chairman of the committee on Insurance made the following report:

Mr Speaker:

The Committee on Insurance to whom was referred H.R. No. 175. an Act entitled "An Act to amend the laws of Insurance

have had the same under consideration, and herewith respectfully return it with the recommendation that it do not pass, inasmuch as your Committee have already recommended Senate Bill No 41 on the same subject, which in the opinion of your Committee fulfils the objects had in view perhaps better than in House report No 175.

The report of the Committee was received and adopted

On on motion of Mr Collins the bill was indefinitely postponed.

Mr Collins Chairman of the committee on Insurance made the following report:

Mr Speaker:

The committee on Insurance to whom was referred H. R. No. 253. An Act entitled "An Act to construe the general Insurance laws of the state of Arkansas, and the act ammendatory thereof approved Feby 27" 1875 entitled "An Act to establish an Insurance Bureau, and to abolish the Office of Insurance commissioner" have had the same under consideration and respectfully return it with the recommendation that it do pass.

The House passed to the consideration of H. R. No. 253. a bill entitled "An Act to construe the General Insurance laws of the State of Arkansas, and the act ammendatory thereof, approved Feby 27" 1875, entitled "An Act to establish an Insurance Bureau and to abolish the Office of Insurance Commissioner."

And on motion of
) Mr Collins the bill was read a third time and placed on its final passage.

The question being put, shall the Bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Howard)	Bright	Collins
Baird	Browning	Davis
Baker	Burns	Dodson (Stanton)
Barrett	Casey	Dodson (Randolph)
Bool	Cochran	Drake
Bostick	Cleveland	Dunham
Bradford	Gluck	Dowell
Bragg	Coleman	Filipini

Frazier	McConnell	Rumph
Fulton	McRae	Sadler
Gardner	Miller	Shinn.
Gillis	Morgan	Slaughter
Green	Moore (of Crawford)	Smyers
Grissom	Moore (of Union)	Spangler
Hannah	Moore (of Woodruff)	Taylor
Hill (Calhoun)	Orr	Trimble.
Hoover	Patton	Venable
Jones.	Poe	Wall.
Judkins	Polk	Weir
Kerr	Powell	Wells. (of Drew
Little	Putman	Wells (of Yell
Love	Rice	Wildberger
Martin	Robinson (of Monroe)	Williams
Maxwell	Ruddle.	Witt. Wolf.

Those voting in the negative were:

Anderson. [Craighead]	
Boston	Humphry
Copeland	Mr Speaker.
Hill (Jefferson	

For the affirmative	73
For the negative	6
Not voting	4
	93.

So the bill was passed.

The hour of 10. A. M. having arrived, the House took up the special order of the day: being the Consideration of S.B. No. 250. a bill entitled

"An Act to permit Sheriffs to to take bail in certain cases"-

The Bill was read a third time and placed on its final passage

The question being put, shall the bill pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Anderson (Craighead)	Dowell	Moore (of Woodruff)
Anderson (Howard)	Flippin	Orr
Baird	Foster	Patton
Baker	Fulton	Pol
Barrett	Gardner	Polk
Borr	Gillis	Putman
Bostic	Green	Rice
Boston	Hannah	Robinson (of Monroe)
Bradford	Hill (Calhoun)	Ruddle
Bragg	Hoover	Rumph
Bright	Humphry	Sadler
Browning	Jones	Shinn
Burris	Judkins	Slaughter
Casey	Kerr	Spangler
Cochran	Little	Taylor
Cleveland	Love	Trimble
Cluck	Martin	Venable
Coleman	Maxwell	Wall
Collins	McConnell	Weir
Davis	McRae	Wells (of Dew)
Dodson (Newton)	Miller	Wells (of White)
Dodson (Randolph)	Morgan	Williams.
Drake	Moore (of Crawford)	Witt, Wolf
Durham	Moore (of Union)	Mr. Speaker.

Mr Grisson voted in the negative.

In the affirmative	73
In the negative	1
Not voting	19
	93

So the bill was passed.

The hour of 10. a m having arrived, the House took up the special order of the day: being the Consideration of H. R. No 246. a bill=

intitled

"An Act to increase the salary of the County and Probate Judge of Garland county.

Mr Patton moved to amend the bill by adding that the salary of the County and Probate Judge of Washington County be made eight hundred dollars"

Which was adopted

Mr Dodson, of Randolph moved to amend by adding "that the salary of the county and Probate Judge of Randolph County be made six hundred dollars."

Which was adopted

On motion of

Mr Judkins the bill was further amended by adding "that the salary of the county and Probate Judge of Lawrence County be made six hundred dollars

On motion of

Mr Gillis the bill was further amended by adding "that the salary of the county and probate Judge of the county of Hot-Springs shall be four hundred dollars"

On motion of

Mr Poe the bill was further amended by adding that the salary of the county and Probate Judge of Columbia County shall be six hundred dollars

On motion of

Mr Wells, of White the bill was further amended by adding "that the salary of the County and Probate Judge of White County be raised from eight hundred to nine hundred dollars."

On motion of

Mr Judkins the bill as amended was ordered engrossed and made the special order

of the day for Thursday November 11" 1875 at 10 o'clock a. m.

The hour of 11 a m having arrived the House took up the special order of the day: being the consideration of H. R. No. 248. a bill entitled "An Act to prescribe the time and manner of electing special county and probate Judges"

The bill was read a third time and placed on its final passage.

The question being put, Shall the bill pass?

It was decided in the affirmative

The roll was called, and the following named members voted in the affirmative:

Anderson (Craighead)
Anderson (Howard)
Baker
Bostic
Boston
Bradford
Bright
Casey
Cleveland
Coleman
Collins
Davis
Dodson (Newton)
Dodson (Randolph)
Drake
Durham
Dowell
Flippin
Foster
Gardener
Gillis
Green

Grissom
Hannah
Hill (Calhoun)
Hill (Jefferson)
Hoover
Kimbrough
Jones
Judkins
Little
Love
Martin
Maxwell
McConnell
McRae
Miller
Morgan
Moore (of Crawford)
Moore (of Union)
Moore (of Woodruff)
Orr
Orr
Polk

Powell
Putman
Rice
Robinson (Monroe)
Riddle
Rumpho
Russell
Shinn
Slaughter
Sawyers
Spangler
Wall
Weir
Wells (of Drew)
Weldberger
Williams
Witt
Wolf
Mr Speaker-

Those voting in the negative were

Barrett.	Browning.	Black.
Boot.	Burns.	Fulton.
Bragg.	Cochran.	Venable.

In the affirmative	66
In the negative	9
Not voting	18
	93

So the bill was passed.

The hour of 11.30. a m having arrived, the House took up the Special order of the day: being the consideration of H. R. No 235) a bill entitled

"An Act to provide clothing and personal expenses for the pupils of the State benevolent Institutions. and for other purposes"

On motion of

Mr Judkins the House resolved itself the Committee of the whole House for the further Consideration of the bill.

After sometime spent therein

The Committee rose and

Mr Judkins Chairman made the following report=

Mr Speaker:

The House acting as a Committee of the Whole, have had under Consideration the Bill entitled "An Act to provide clothing and personal expenses for the pupils of the state benevolent Institutions and for other purposes being: H. R. No. 235: and have instructed me to report that the Committee have considered the amendments recommended by the Committee on Education and recommend that the bill as amended by the Committee be passed.

On motion of Mr Collins the report of the committee was adopted, and the amendments were accordingly agreed to
And,

On motion of Mr Collins
Ordered, That the bill be engrossed for a third reading and made the special order for 12 o'clock tm, on the morrow.

Under a suspension of the rules for that purpose-

Mr Durham by consent, introduced a bill entitled "an Act to prescribe the time of holding the courts of the eighth Judicial Circuit
(H. R. No 260.)
which was read the first time.

The rules were then on motion, suspended, the Bill read a second time and referred to the committee composed of the members of the House from the eighth Judicial circuit, with Mr Browning of Clark as Chairman.

Under a suspension of the rules for that purpose-

Mr Wall, by consent, introduced a Bill entitled "An Act to allow redemption of forfeited lands.
(H. R. No. 261.)

which was read the first time.

The rules were then, on motion, suspended, the Bill read a second time and referred to the Committee on State Lands.

Under a suspension of the rules for that purpose-

Mr Rumph Chairman of special committee on Education to whom was referred H. R. No 221. "An Act

to provide for the cancellation and re-issue of out-standing school warrants, and provide a uniform system of registering and issuing the same."
beg leave to report that they have had the same under consideration; and repeal the same with the following amendments:

Amend section 1 by striking out all of clause # and substitute the following clause
"The clerk, sheriff and witnesses who may be summoned in any investigation provided for by this act, shall be allowed the same fees as are now allowed by law for similar services to be paid out of the County Treasury."

Amend sec 2 by striking out all from the first word to the word "there" in the fifth line and insert the following clause:
"That the order of any trustee or board of Directors properly drawn after the passage of this act-other than those of single school district in cities and towns shall be presented to the Treasurer of the proper County within sixty (60) days after it was drawn by said trustee or board of directors provided; that if such order is not presented with in the above specified time, it shall be rejected and become null and void, all such orders shall be paid in the order of their presentation"

Amend clause 3 of sec 1 by inserting after the word "warrant" in the fifth line, the following words "and for the purpose of which investigation the County Judge may summon witnesses where the validity of any warrant is in doubt"

On motion of Mr Humphry the amendments were severally read and adopted.

Then on motion of Mr Rumph the bill was a-

ordered engrossed and made the Special order of the day. Friday Nov 12" 1875 at 11 o'clock and 30 minutes a. m.

Under a suspension of the rules for that purpose -

Mr Orr Presented the following Memorial from the Citizens of Miller County

Preamble and Resolution -

Whereas: The introduction into our State of choice selection of stock of different kinds is now a matter of vast importance to the farming community of our State, and;

Whereas, Men of capital ability and enterprise are not willing to invest capital in choice stock and bring to a state, whereas such stock are liable to be depridated on and destroyed by a worthless lot of common dogs, roaming at large without a responsible Master or owner, and;

Whereas: The increased number of cases of Hydrophobia in our State within the last twelve months causing the death of a number of good citizens and a vast amount of valuable stock, should claim the serious consideration of every good citizen of our State, and convince every reflecting mind that a restriction of some kind should be laid on the canine race, therefore;

Be it resolved by this the Rondo Grange No 218 Patrons of Husbandry, that the members of the next General Assembly of our State be and are hereby requested to pass a bill levying a tax on all dogs found within our State and to provide for the collection of the same, and;

Be it further resolved: That our Senators and Representatives from this county be furnished with a copy of the above Preamble and Resolutions and respectfully requested to give the matter special attention

Adopted Oct 16" 1875:

A true Copy from the minutes

M. W. Barnett Secretary

Which after being read, on motion of Mr Orr was referred to the Committee on the Judiciary.

Mr Sadler, Chairman of the Committee on State Lands made the following report:

Mr Speaker:

The Committee on State Lands to whom was referred S.B. No. 124. an Act entitled "An Act for the relief of purchasers of Swamp Lands, have had the same under consideration and herewith respectfully return it with the recommendation that it do pass

The House passed to the consideration of S.B. No. 124. a bill entitled "An Act for the relief of purchasers of swamp lands.

The Bill was read a third time and placed on its final passage.

The question being put, shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Howard)	Bluck	Humphrey
Baird	Davis	Judkins
Baker	Dodson (Newton)	Kerr
Barrett	Dodson (Randolph)	Little
Boone	Dunham	Love
Bostic	Dowell	Martin
Bradford	Foster	McDonnell
Bragg	Fulton	McRae
Bright	Gardner	Morgan
Browning	Gillis	Moore (Crawford)
Burns	Green	Moore (Woodruff)
Casey	Hannah	Orr
Cochran	Hill (Calhoun)	Patton
Cleveland.	Howse	Polk

Powell	Skinner	Wells (Dever)
Putnam	Slaughter	Wells (White)
Rice	Sawyers	Wildsberger
Robinson (Monroe)	Spangler	Williams
Ruddle	Trimble	Witt
Rumph	Venable	Wolf
Russell	Wall	Mr Speaker.
Sadler	Weir	

Those voting in the negative were:

Coleman	Grissom	Jones
Copeland	Hill (Jefferson)	Miller.

In the affirmative	65
In the negative	5
Not voting	22
	93.

So the bill was passed.

Mr Sadler chairman of the committee on State Lands made the following report:

Mr Speaker:

The committee on State Lands to whom was referred H R No 216. an act entitled An Act in relation to swamp lands have had the same under consideration and respectfully return it with the recommendation that it do pass.

The House passed to the consideration of H. R. No 216. a bill entitled "An Act in relation to swamps lands.

The Bill was read a third time and placed on its final passage.

The question being put, Shall the Bill pass?

It was decided in the affirmative

The roll was called and the following named members

voted in the affirmative:

Anderson (Craighead)	Fulton	Patton
Anderson (Howard)	Gardner	Pitt
Baird	Gillis	Polk
Baker	Green	Powell
Barrett	Grissom	Putman
Bass	Hannah	Robinson (Monroe
Bostic	Hill (Calhoun)	Ruddle
Boston	Hill (Jefferson)	Rumph
Bradford	Hooper	Russell
Bragg	Humphrey	Sadler
Bright	Jones	Shinn
Browning	Jordan	Slaughter
Burns	Kerr	Sawyers
Carey	Little	Spangler
Cochran	Love	Grimbal
Cole	Martin	Venable
Coleman	Mayfield	Weir
Collins	McDonald	Wells (Drew
Davis	McRae	Wells (White
Dodson (Newton	Miller	Wildberger
Dodson (Randolph	Morgan	Williams
Durham	Moore (Crawford)	Witt
Dowell	Moore (Union)	Wolf
Foster.	Moore (Yancey	Mr Speaker.
	Orr.	

Mr Copeland voted in the negative.

So the affirmative	72
So the negative	1
Not voting	20
	93

So the bill was passed.

Under a suspension of the rules for that purpose.

Mr Gillis by consent introduced a bill entitled "An Act to fix the time of holding the circuit-courts of the seventh judicial circuit" (H. B. No 262.)

which was read the first time

The rules were then on motion suspended, the Bill read a second time and referred to a special Committee Composed of the members of the Seventh Judicial Circuit with Mr Russell as chairman.

On motion of Mr Jenkins then at 12 o'clock and 15 minutes P M the House adjourned.

J N Gunning
Clerk

A A Pennington
Speaker House Rep

Wednesday morning
November 16th 1875.

The House met pursuant to adjournment

The roll was called and the following named members answered to their names.

Anderson (Craighead)	Browning	Durham
Anderson (Howard)	Burns	Dowle
Baird	Casey	Gilpin
Baker	Cochran	Foster
Barrett	Cluck	Fulton
Boone	Coleman	Gardener
Bostic	Collins	Gillis
Boston	Copeland	Green
Bradford	Dodson (Newton)	Grissom
Bragg	Dodson (Randolph)	Hannah
Bright	Drake	Headen

Hill (Calhoun)	Moore (Crawford.	Shinn
Hill (Jefferson)	Moore (Union)	Slaughter
Hoover	Moore (Woodruff)	Smyers
Humphrey	Orr	Sparingler
Jones.	Patton	Taylor
Jenkins	Poe	Trimble
Kerr	Polk	Venable
Little	Powell	Wall
Love	Pittman	Weir.
Martin	Rice	Wells (Drew)
Maxwell	Robinson (Desha)	Wildberger
McConnell	Robinson (Monroe	Williams
McRae	Ruddle	Witt
Miller	Rumph	Wolf
Morgan.	Sadler	Mr Speaker.

A quorum of the House present.

Prayer by the Chaplain.

The Journal of the preceding day was then read and approved.

Messers Wells of White Cleveland and Davis were excused on account of sickness.

Mr Mann was excused for absence yesterday and to-day being in attendance on Sen McClellan who is sick.

Under a suspension of the rules for that purpose Mr Russell introduced the following Memorial.

Circular
To the Members of the
Legislature of Arkansas.

Little Rock Ark.
June 18" 1875.

To the Honorable
The Legislature of the State of Arkansas:

The accompanying

accounts, affidavits, vouchers &c are respectfully submitted to you for your favorable consideration. As you will perceive from the same the Board of Claims reducted from the gross amount of my charges; why I know not. The papers all show that the amounts charged were the usual prices in currency.

At the time of the allowance by the Board my circumstances such, financially, (consequent upon the seizure &c., of my goods) that I was compelled to accept it although the bonds in which I was paid were selling at from 30 to 38 cents on the dollar. My obligations overdue for these same goods to eastern and merchants & therefore could only accept and sell the bonds for what I could get, and mortgage my little property in this city, (my home) for security for the balance. In working for the state I used all the stock left me, and therefore at the close of the insurrection inaugurated by Joseph Brooks, found myself without money and without stock wherewith to pursue my trade.

Overtures were made me at the commencement of the insurrection by the Brooks side, to purchase my entire stock at currency prices, and secure me in the immediate payment of the same on delivery, but as a good citizen of the State I rejected the offer and informed the proper authorities of the same, therefore the seizure was made.

This statement and appeal is not made to enrich myself but simply to have justice done me and save my home (for which long years of toil has been given) from being sacrificed to pay debts incurred in the defence of Arkansas, her people and their liberties. Abundant and undoubted proof is at hand to sustain all I state. A debt of some four thousand dollars hangs over me, which I am unable to pay, and increasing years almost prevents me from going back to the bench from which I have made the little all (a home), that now stands pledged for the payment of the debt. My stock amounted to almost $8,000 at the time of seizure, about one fourth of which was received from the sale of the bonds allowed by the board of claims. I would ask that the unexpended

of the General Assembly examine the following statement carefully as the matter will doubtless come before them at their next meeting.
Hoping that you may favorably consider this appeal, I am most

Respectfully, Your Obedient Servant
J F Trumpler.

State of Arkansas,

To J F Trumpler.

Account of arms and ammunition taken during the three days and nights my keys were in possession of the Ordinance Officers, on and after the 16th of April 1874:

(Voucher No. I.)

42	Swift-Patent-Breech English D. B. Guns $65 each	$2730.00
2	Remington Patent Breech Loading D. B. Guns, $63 each	126 00
55	Assorted Pistols $12.50 each	686.00
	Assorted Ammunition	300 00
18	Powder Flasks $3. each	54 00
100	lbs Lead	12,50
23	Rifles $40 each	920.00
16	Rifles $22.50 each, (No Voucher)	460 00

[Vouchers Nos. 2 and 3.]

2	Colts Army Pistols, $20 each	40.00
3	Old Model Navy, $18 each	54 00
1	New Model Navy	20 00
2	Navy, 6½ inch, $16 each	22 00
1	Navy 4½ inch	15 00
8	Scabbards and Belts, $3 each	24 00
	Loading ten Pistols	2,50
22	Rounds Colts Cartridges	3,30
	Amount-carried forward.	$5481.00
	Amount-brought forward	$5481,30
1000	Colts Pistol Caps	1,50
4	Half pound Powder Flasks $2.00 each	8 00
2	One pound Powder Flasks $3. each	6 00
	[illegible]	2,00

15 lbs Buck Shot- $2 25

4 Best one Pound Powder Flasks @ 3 50 each 2 00

3 lbs Powder 50 cts per lb 1 50

1 keg or Canister of Powder 8 00

553 55

5 D. B. Shot-Guns, $25 each (Voucher no 4,) $75 00

3 Pistols, $15, each " " " 45 00

Ammunition and Accouterments " " " 15 00

1 Fine Double Gun " " 5, 60 00

1 Fine Double Gun " 5, 50 00

12 D. B. Shot-Guns, $20 each " " 6 240 00

8 Single Shot-Guns, $12, each " 6 96 00

1 Ballard Rifle and Fixtures " 7 55 00

1 Remington Breech Loading Shot gun with fixtures complete " 8 90 00

1 Fine Rifle shooter, Fixtures & ammunition " 9 35 00

1 Double Gun and Fixtures " 9 83 00

1 Double Gun " 10 40 00

3½ lbs Army Balls " 11 3 50

50 Army Balls " 12 1 50

1 Pistol " 13, 20 00

Powder Flask and Ammunition " 14, 6 75

1 Pistol " 15, 35 00

2 Pistols $20 each " 16, 40 00

32 Barn Rods, 50 cts. each " 17. 16 00

2 Bullet-Ladles, $1 each " 18. 2 00

128 Spencer Cartridges " 19, 4 50

1 Pistol and Cartridges " 25, 21 50

1 Pistol and Cartridges " 21, 20 00

1 Smith & Wesson Pistol and Fixtures " 22, 35 00

1 Pistol " 23, 20 00

Ould's Ammony Paper " 24. 1 50

1 Portable Forge " 25 50 00

2 Boxes No. 50 Cartridges " 26. 3 00

11 Cases No. 44 Cartridges " 27, 1 50

11 Cases No. 31 Cartridges " 27, 1 50

1173 50

April 13" 1874.

State of Arkansas.

To J. F. Trumpler

The amount of work done as per enclosed Vouchers	$ 117.25
For work done and material used for the different Companies of the Baptist troops, commencing the 20th April, and ending May 12th 1874	300 00
For Goods taken during my absence from store	450 00
	$867.25
Total amount	$ 7536 30

[The forgoing prices for arms, ammunition and work done, are my regular prices in current funds]

J. F. Trumpler being duly sworn, says on oath that the above account, is just and correct and unpaid, and that the prices charged for the articles sold is reasonable, and is the customary price for the same.

J. F. Trumpler.

Sworn to before me, this June 10th, 1874

Thos. C. Peck J.P.

Endorsed:

J. F. Trumpler's Account vs. State of Arkansas.

At Chambers, Military Board

June 18th 1874

The within claim is allowed, and $6000, 00 allowed.

B.B. Beavers
J.D. Eagle
Freeman Kirkwood.
Military Board.

Claim No. 16.

Approved:

Elisha Baxter,
Gov. of Arkansas

[Note.— This approval was on the whole claim. The endorsement of allowance being by the Board subsequent to the approval.]

Voucher No 1

Head-Quarters State of Arkansas,
Adjutant Generals Office,
Little Rock, May 5th, 1874.

Arms and ammunition taken from J F Trumpler, by order of Gen R.C. Newton, for use of State Militia:

42	Twist Patent Breech English D. B. Guns, $65 each	2730 00
2	Remington D. B. Breech Loading Guns, $63 each	126 00
55	Assorted Pistols, $2.50 each	688 00
	Ammunition of all kinds	305 00
18	Powder Flasks	24 00
100	lbs Lead	12 50

The above is a true copy as placed upon books transcribed this date by acting Clerk in office of Chief of Finance
May 5th 1874.

James McBannanny.

Voucher No 2.

Little Rock, Ark., April 17.

2 Colts Army (two)
3 Old Model Navy (three)
1 New Model Navy (one)
2 6½ inch Navy Pistols (two)
1 4½ inch Navy (one)
8 Scabbards and Belts (eight)
And Loading
22 Rounds of Colts Cartridges (twenty-two)
1000 Colts Pistol Caps (one thousand)
4 Half pound Flasks (four)
2 One pound Flasks (two)
4 One pound Flasks Powder (four)
15 lbs Buck Shot (fifteen)

Received the foregoing list of articles of J. F. Trumpler, by order of Maj. Gen. Newton.

H. P. Parks,
Maj & Chief of Ordnance 1st Div. Ark State Militia

Voucher No. 3.

Little Rock April 17

Six (6) Best Flasks
Three (3) lbs Powder
One (1) Canister Powder.
Received above three articles

W. L. Parks.
Maj & Chief of Ordnance 1st Div Ark -
- State Militia

Voucher No. 4.

Executive Office, State of Arkansas
Little Rock, April 27th, 1874

J. F. Trumpler, Gunsmith.

You will please furnish Lieut. H. M. Lee, Heavy Battal-
-lion, 3 good Shot-Guns and accoutrements, and one Pistol
each, being required to send on special service, and charge
to the State of Arkansas.
By order of the Commander in Chief

Chas. C. Reid. Jr.
Lieut-Col. & A. D. C.

Voucher No. 5.

Head Quarters Military Govern
City of Little Rock, April 22, 1875.

Received of Meyer Pollock, two Shot Guns, said to belong to
Trumpler, which will be duly accounted for.
By command of

Y. P. Dockery,
Brigadier General

1 of the above Guns $50 00
1 " " " " $60. 00.

Voucher No. 6.

Received of J. L. Trumpler the following articles for the use and benefit of the State of Arkansas.

12 Double barreled S. Guns

6 Single-barrelled S Guns.

The above taken by order of Elisha Baxter.

Thos. P. Dockery
Mil. Gov. Comd'g Post.

By Johns Green
Act. Adj. Gen.

April 18, 1874.

Voucher No 7.

Little Rock, Ark. May 15. 1874.

J. L. Trumpler:

Please furnish for my use one Ballard Rifle, ammunition &c

Head Quarters Ark State Militia,
May 15 1874

Approved
By order of

Maj. Gen. Newton.
Commanding.
James McConroy,
Brig. Gen'l & Chief of Staff

Voucher No. 8.

Head-Quarters State of Arkansas
Adjutant Generals Office
Little Rock, May 16" 1874

J L Trumpler

You will please furnish for my use one Remington Shot-Gun, ammunition and fixtures, $90.

J L Hill
Lieut-Col. Ark. State Guards
May 16" 1874

Endorsed:

Approved

By order of

Maj. Gen. Churchill -

Voucher No 9.

Head-Quarters State of Arkansas
Adjutant-General's Office,
Little Rock, May 17, 1874

J. F. Trumpler=

You will furnish for our use one English Shot-Gun and fixtures, (Cartridge loader), $83, also one Six Shooter, $35.

Eugene B. Henry,
Col. Comd'g Bat.

Approved:
By order of
B F Dawley, A. A. G.

Maj. Gen. Churchill.

Voucher No. 10

Ordnance Office Mid. Div.
May 18" 1874.

Mr. J F. Trumpler

Will furnish one Double-barrel Shot-Gun, for Henry Smith, $40.

H R Rutherford
Capt & Ord, Officer Mid. Div Ark State Mil

Endorsed:

Approved: By order of
Walton Watkins, A. A. G.

Maj Gen Churchill.

Approved and ordered furnished - Capt H R Rutherford receipting to these Head-quarters for the property to H. H. Rottaken, Col and Chief of Ordnance, as also to J F Trumpler Would suggest however, that Capt Rutherford replace the property from the arms for which he is responsible, thereby saving an unnecessary expense to the State.

H H Rottaken
Col & Chief Ord

Voucher No. 11.

Arkansas State Guards
Little Rock, Ark, May 13 1874

Pounds (3½) bullets.

H Ma Rutherford
Capt & Ord Officer
Ware & Ware
Asst Ordnance Officer.

To J F Trumpler:

Voucher No. 12.

Commissary Dept Ark State Guards
Little Rock, Ark,
May 13th 1874.

Mr J F Trumpler:

Will please furnish Capt Blond's Company 50 balls for Colts Army.

David Blond, Capt
Per b J Fuller, Capt.

[The above balls $1 50]
Endorsed:
Approved:

T J Churchill, Maj. Gen.

Voucher No 13.

Head-Quarters Middle Division A. S. M.
Little Rock, May 15th 1874

Maj Hann Rutherford:

You will furnish Geo L Kirkwood with one (1) Pistol. By order of

Maj Gen. T J. Churchill

[Price $30]
Approved:

T. J. Churchill Maj Gen

Approved by Maj. Hann Rutherford,
Chief Ord Mid. Div.

Voucher No. 14. Little Rock, Ark, May 15, 1874

J. F. Trumpler;

Please furnish me 1 Powder Flask and Ammunition for Colts Repeating Rifle, which I have in personal use. $6.75.

Chas C Reid Jr
Col & A.D.C. on Governor's Staff

Voucher No. 15.

Arkansas State Guards,
Little Rock, Ark, May 15, 1874.

You will furnish the following: 50 lbs Lead $6.25.

H.B. Rutherford.
Capt & Ord. Officer.
Wm. F. Green, Ass't Ord Officer

To J. F. Trumpler.

Voucher No. 16.

Head-Quarters Middle Division, A.S.M.
Little Rock May 15th 1874.

Mr Trumpler:

You will furnish for my use one (1) Pistol, Scabbard and Belt. Price $35.

Geo. F. Kirkwood,
Maj & A.D.C., A. S. M.

Voucher No. 17.

Arkansas State Guards
Little Rock, Ark. May 15: 1874

You will furnish the following 2 Pistols $40

H. B. Rutherford
Capt & Ord. Officer
Wm F. Green, Ass't Ord Officer

To J. F. Trumpler.

Endorsed Approved:

Voucher No. 18.

Arkansas State Guards,
Little Rock, May 13, 1874

You will furnish the following: Thirty-two (32) Rear Rods.

H. M. Rutherford.
Capt & Ord. Officer.

Per Wm H Green, Asst Ord. Officer.

To J H Trumpler.
[Rods 50 cents each, $16]

Voucher No. 19.

Head-Quarters Middle Division, A.S.G.
Little Rock, May 13, 1874.

J H Trumpler:

You will furnish Capt. Harm Rutherford with two Ladles.

By order of
Col. Ben F Danley, A.A.G.
[Ladles $1 each, $2.]

Majr. Gen. T. J. Churchill.

Voucher No. 20.

Little Rock, Ark. May 15, 1874

J. A. Rutherford, Chief of Ordnance:

You will furnish 50, more or less, Spencer Rifle Cartridges, for my commands.

Lieut. Col. J.B. Stout,
Comd'g Bat.

[28 above Cartridges $4.50]
Approved:
By order of
B F Doyle, Col & Insp Gen.

Voucher No. 21.

Head-Quarters Middle Division
May 15, 1874.

Mr Trumpler:

Will furnish Capt Rutherford with one Pistol and Cartridges for same. $21.50

By order of
Walton Watkins, A.A.G.

Maj. Gen. Churchill

This Pistol was delivered by Mr Trumpler.

W Watkins.

Voucher No. 22.

Little Rock, May 15, 1874

Capt. H. R. Rutherford, Ord. Officer:

You will furnish Capt Mark with one (1) Pistol and Cartridges for same $20.

By order of

Maj. Gen. Churchill.

Walton Watkins A.A.G.

Comd'g Mid. Div.

This Pistol was delivered by Mr Trumpler.

H. Watkins.

Voucher No 23.

Little Rock Ark. May 18" 1874.

J. F. Trumpler, Esq.:

Please furnish for my own use, one Smith & Wesson Pistol and fixtures $35.

L. B. Stout, Col. Comd'g

By order of
H. L. Doyle, Col & Insp. Gen.

Maj. Gen. Churchill.

Voucher No. 24.

Head-Quarters Middle Division
May 16, 1874.

Capt. H. R. Rutherford, Ord. Officer:

You will furnish Capt Mark with one (1) Pistol and Cartridges for same. $20.

Maj. Gen Churchill

By order of Walton Watkins A.A.G.

Voucher No. 25

Little Rock Ark, May 15" 1874.

Chief of Ordnance Arkansas State Guards:

You will furnish one pa Bullet Molds for Capt. Faulkenbury's Company, and 1 doz sheets of Emory Paper, $1.50

By order of

Lieut Frank Lovejoy
Commanding Officer

Approved

By order of
Maj Gen. Churchill.
R F Doyle, Col & Insp. Gen.

Voucher No. 26.

Ordnance Office, Mid. Div. A.S.M.
Little Rock, Ark, May 15" 1874.

Due Mr J F Trumpler on Portable Forge, as his was almost entirely ruined, being used by the Ordnance Department for the purpose of moulding bullets. This Forge is said to have been worth fifty dollars.

A. R. Rutherford
Capt of Ord of Mid. Div.

Voucher No. 27.

Received of J. F. Trumpler:

2 Boxes Cartridges, cal. 50		$3 00
11 Cases " "	40	1 50
12 " S & W.	" 31	1 50

H. H. Rolfe
Col. & Insp. Gen & Chief Ordnance.

[Copy]

Head-Quarters Arkansas Militia
Little Rock, Ark, April 16" 1874.

Special Order
No. —

charge of the entire shop of J F Trumpler, to seize all of the ammunition and weapons found therein, and hold the same subject to the Officer in command of this Department.

(Signed) R. C. Newton, Maj. Gen.

A true copy: H P Parks.
Maj & Chief of Ordanance

Little Rock Ark. June 15th 1875

This is to certify that when the stock of goods, guns, pistols and ammunition of my father was seized by Order of Gen Newton for the State, that the stock then on hand was between seven and eight thousand dollars worth, and that for about a month after whereon orders came from Gen's Newton and Churchill for work or anything else my father had or could do, was always done or furnished I also know that after the parties got through taking what they wanted that there was not more than $150 or $200 worth of goods left.

Geo. M. Trumpler.

Subscribed and sworn to before me this 16th June 1875
R. W. Stevenson, Notary Public.

Little Rock Ark, June 16th 1875.

This is to certify that I, B.S. Alford, am well acquainted with J F Trumpler and know near about the amount of stock he had in his store just before the Brooks and Baxter war, having been well acquainted with the fire-arms business for many years, and was in the business myself for a number of years.
My brother has been the traveling agent for E Remington & Sons, Mr Trumpler having bought of him guns, and I was in Mr Trumpler's gun store every few days. I believe from the best of my knowledge, that the amount of stock Mr Trumpler had on -

hand at the time his arms were taken were between seven and eight thousand dollars worth viz: U. S. Carbines.

B. S. Alford

Subscribed and sworn to before me this 16th June, 1875.

R. W. Stevenson, Notary Public.

Texarkana, Ark, May 10, 1876.

Maj. R. W. Stevenson, Little Rock.

Dear Mayor:

Yours of the 5th inst. just to hand two days ago, and before I left home for this place I made deligent search for the original order to me as Maj. and Chief of Ordnance of the Arkansas Militia, from Gen. Burton's Head-quarters, authorizing me to seize all the ordnance and munitions of war in the armory of J. H. Trumpler. I presented respectfully the order to Mr Trumpler, whom I had known from my earliest boyhood, and whom I considered a true man to the people, and he immediately turned over the entire armory to me, saying he was willing to risk all he had in defence of Baxter and Newton. I then took charge of all his property, and endeavored to keep an account of all that was taken out, but my assistants were unable to do so from the fact that there was so much confusion following the seizure, and the demand for arms and ammunition was so great and pressing that disorder prevailed.

If I can find the order you desire, I will send it to you in registered letter. Will make another search. If I can be of any assistance to Mr Trumpler I would gladly place myself to almost any inconvenience to see him reimbursed for his losses. If the State will not reimburse him, then I think it the duty of the people to do so, and I would head the list with my name in the sum of fifty dollars. Were we not all benefited by Trumpler? Aye, the State was saved through the assistance rendered by Trumpler's Armory. And this armory would have been in the hands of the Brooks party had it

not enginnered them out of it. Shumpler ought; ennust and shall be paid.

Respectfully &c. L. P. Parks
Maj & Chief of Ordnance of the Ark. State Militia
During the Brooks Rebellion.

State of Arkansas, }
Pulaski County }

I, J. F. Shumpler, do solemnly sivear that the foregoing account is true; that the sum of $75.36.30 is a just and equitable charge; that the Military Board to whom the same was referred, only allowed sive $ 6000 for the same; that I was compelled to receive bonds for said sum, (Consequent on my crippled financial condition), and sell the same at a gross of about $2,150; that the State of Arkansas is justly indebted to me in the sum of $ 15-36.30 difference between amount allowed and amount due, and the sum of $3850 difference between what I recived, and the face of the allowance by the Military Board; that the consequences of the seizure of my stock and store will be ruin to me unless reimbursed by the State; that all the property I have (a home) is mortgaged to eastern creditors for the money owing for their purchase.

J. F. Shumpler.

Subscribed and sworn to before me this 19th day of June A. D 1874.

R. W. Stevenson. Notary Public.

State of Arkansas }
Pulaski County }

The following statement of facts are true to the best of our knowledge and belief:
That the shop and stock on hand of J. F. Shumpler, Markham street, Little Rock, was seized by order of the proper authorities of the State of Arkansas (as evidenced by a copy of said order) during the month of April A.D 1874 (when one Joseph Brooks usurped=

the State government); that said shops and stock of arms was used after seizure in the service of the bona fide government of the State under Elisha Baxter; that the procurement of the arms so seized, and the services of said Shumpler contributed in a great measure to the repressing of the insurrection of said Brooks; that knowing said Shumpler well, we believe his charges for services and for ammunition and arms seized are in strict accordance with his sworn statement "that the same are charged at his usual currency prices" that the amount allowed him by the Military board of the State is inadequate to the value of his services, and the property seized, not only in actual amount but from the fact that at the time of the allowance the bonds in which he was paid, was not actually worth over thirty cents on the dollar, and at least common justice to Mr Shumpler demands that he should be reimbursed for the full value of his stock so seized, and his services as charged with proper interest on the same during the period he has been deprived of the use of it.

Gordon A Gray
Isaac Black
A Belding
Thos L Reid Jr.
John L Gray
George L Barham
R L Newton
J L Churchill
Robert A Howard

Subscribed and sworn to before me, on this 19th day of June A D 1875:

R. W. Stevenson Notary Public

Which on motion of Mr Durham was referred to select committee of seven, of which Mr Russell was appointed Chairman.

The Speaker then announced the select-

Committee as follows: Messrs Russell
Dunham
Martin
Browning
Cleveland
Wildberger and
Boston.

Under a suspension of the rules for that purpose

Mr Wells of Drew by consent introduced a bill entitled "An Act to authorize the School District of Little Rock to fund its outstanding indebtedness.

[H. B. No. 263.]

which was read the first time.

The rules were then, on motion, suspended, the bill read a second time and referred to the Committee of ways and means, together with the following notice

School Notice

Notice is hereby given that we will apply to the General Assembly at its next meeting for a special bill, allowing certain school districts in Pulaski County to bond their outstanding warrants issued prior to Oct 30" 1874. and authority to levy a tax to pay the interest on said bonds

R. W. Worthen
J. W. Fish
J. R. Rightsell.
J. B. Bonds

State of Arkansas }
County of Pulaski }

I hereby certify that the annexed advertisement was published two times in the Arkansas Gazette, one time in daily and one time weekly, the first of which was on the 18" of October 1875: and the last on the 11" day of

October 1875.

Hen. C. West. Publisher.

Sworn and subscribed to before me, this 8th day of November 1875.

J. W. Blocker. N. P.

Printers fee $2, 00

Received payment

Henry C West. Publisher

Under a suspension of the rules, for that purpose

Mr McConnell, by consent, introduced a bill entitled "An Act for the payment of the Militia Claims of 1868. and 1869.

[H. B. No. 264]

which was read the first time.

The rules were then on motion suspended, the bill read a second time and referred to the committee on claims,

Under a suspension of the rules for that purpose

Mr Rice gave the following notice:

Mr. Speaker:

I desire to give notice that I will on to-morrow move a reconsideration of the vote of the House on S.B. 193. "An Act for the relief of Laborers and Mechanics."

By consent of the House Mr Rice introduced the following resolution:

Whereas it appears that the Enrolling clerk of this body Mr J. R. Riley is absent from this State and;
Whereas, at the beginning of the present session the said Clerk was granted leave of absence for ten days and as the time has expired and as yet he has not

appearing of the said Clerks return, and;
Whereas, it is likely he will claim and force an allowance of his salary without remunerating the State for the same, therefore;
Be it resolved;

That the Office of Enrolling Clerk of this House, be and the same is hereby declared vacant and the House at its earliest convenience proceed to fill such vacancy.

Mr Little moved,

That the House proceed to elect an Enrolling Clerk to fill the vacancy declared by the resolution.

Mr Humphrey moved to amend by adding Friday 2 o'clock P.M.

Mr Gridkins moved to

lay the amendments on the table.

Which was agreed to.

The question recurring on the original resolution it was adopted.

The hour of 10 o'clock a.m having arrived the House took up the Special order of the day; being the consideration of

H.R. No. 230)

"An Act to include in Bradley County Sections 23 and 24, township 17 South Range 10 West of the 5th principal meridian.

The bill was read a third time and placed on its final passage.

The question being put;

Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named Members voted in the affirmative:

Anderson (Howard)
Baker
Barr
Bostic
Burns
Cochran
Cluck
Coleman
Collins
Copeland
Dodson (Audrain)
Flippin
Fulton
Gardner
Gillis
Grisson
Hannah
Hill (Jefferson)
Hoover
Humphrey
Jones
Jenkins
Kerr.
Little
Love
Martin
McRae
Moore (Union)
Orr
Patton
Pox
Robinson (Desha)
Ryalle
Shinn
Slaughter
Sawyers
Spangler
Venable
Wall
Weis
Wells of Dunn
Wildberger
Witt
Wolf
Mr Speaker

Those voting in the negative were:

Anderson (Craighead)
Barrett
Boston
Bradford
Bragg
Bright
Browning
Casey
Durham
Dowell.
Foster
Fuller
Green
Hill (Calhoun)
Mapwell
McConnell
Miller
Morgan
Moore (Crawford)
Moore (Woodruff)

Polk
Powell
Putnam

Robinson (Monroe)
Russell.
Trimble.

In the affirmative 46.
In the negative 26.
Not voting 21
93.

So the bill was passed.

The hour of 10.30. having arrived the House took up the special order of the day: being the consideration of S.B. No. 109. "An Act to provide for the treatment of Insane persons of this State.

On motion of

Mr Collins the bill was referred to the Committee on public expenditures.

Under a suspension of the rules for that purpose

Mr Kerr gave the following notice

Mr Speaker:

I hereby give notice that I will move to reconsider the vote by which the House refused to pass.

S.B. #117. "An Act to amend section 1544, 1546 and repealing sections 1547. 1550. and 1551

Also S.B. No 143. "An Act to repeal section 1512. 1513. 1514. 1515" Chapt 42 Gantts Digest."

Under a suspension of the rules.

On motion of

Mr Kerr the House proceeded to consider

Senate Bill No 248.

entitled "An Act regulating the time and manner of holding elections for the determination of the amount of taxes to be levied for school purposes and for ratifying such election

heretofore held in the year 1875.

Which was read the first time.

The rules were then, on motion, suspended, the Bill read a second time and referred to the Committee of Education.

Mr Wells, of Drew Chairman of the Committee on Judiciary made the following report:

Under a suspension of the rules for that purpose -

Mr Speaker:

The Committee on Judiciary to whom was referred

H. R. No. 249. 'An Act entitled "An Act to amend Section 4483 Gantt's Digest"

have had the same under consideration, and herewith respectfully return it, with the recommendation that it do pass.

The House then passed to the consideration of

H. R. No. 249.

a bill entitled "An Act to amend section 4483 of Gantt's Digest"

The Bill was read a third time and placed on its final passage.

The question being put:

Shall the bill pass?

It was decided in the affirmative

The roll was called, and the following named members voted in the affirmative:

Anderson (Craighead)
Anderson (Howard)
Baker
Barrett.

Bove	Gullion	Powell
Bostic	Gardner	Putnam
Bradford	Green	Rice
Bragg	Grissom	Robinson (Dare)
Bright	Hannah	Robinson (Monroe)
Browning	Hill (Calhoun)	Ruddle
Burns	Humphrey	Rumph
Casey	Jones	Russell
Cochran	Little	Shinn
Cluck	Love	Slaughter,
Coleman	Martin	Smyers
Collins	Maxwell	Spangler
Copeland	McConnell	Trimble
Dodson (Newton)	McRae	Venable
Dodson (Randolph)	Miller	Hall
Drake	Morgan	Wells (Drew)
Durham	Moore (Crawford)	Wildberger
Dowell	Moore (Woodruff)	Williams
Flippin	Orr	Wyatt
Foster	Patton	Wolf
Fuller	Poe	Mr Speaker.

Mr Hill of Jefferson voted in the negative.

In the affirmative	67
In the negative	1
Not voting	25
	93

So the bill was passed.

Mr Wells of Drew, Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred

H.R. No. 238 an Act entitled "An Act to fix the time for the convening of the General Assembly of this State"

have had the same under consideration, and have with respectfully return it with the recommendation that it do pass.

The House then passed to the consideration of

H. R. No. 238. a Bill entitled "An Act to fix the time for the Convening the General Assembly of this State"

The Bill was read a third time and placed on its final passage.

The question being put,

Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Craighead)	Drake	Driller
Anderson (Howard)	Dowell	Morgan
Baird	Gilpin	Moore (Crawford)
Baker	Hooten	Moore (Woodruff)
Barrett	Fuller	Orr
Bone	Fulton	Patton
Bostic	Gardner	Polk
Boston	Green	Putman
Bradford	Grisson	Rice
Bragg	Hannah	Robinson (Desha)
Bright	Hill (Calhoun)	Robinson (Monroe
Browning	Hill (Jefferson)	Rumph
Burns	Hoover	Russell
Casey	Jenkins	Skinn
Cochran	Little	Slaughter
Cluck	Love	Smyers
Collins	Martin	Taylor
Copeland	Maxwell	Trimble
Dodson (Newton)	McConnell	Tramble
Dodson (Randolph)	McRae	Wall

Mair
Wells of Drew
Wildberger

Williams
Witt.
Wolf.

Those members voting in the negative were:

Durham
Humphrey
Moore (Union)

Poe
Powell.
Ruddle

Spangler
Pro Speaker.

For the affirmative 66
For the negative 8
Not voting 19
93.

So the bill was passed.

Mr Wells of Drew. Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred H B No 240 An Act entitled "An Act to amend section 2790 Gantts Digest-

have had the same under consideration and herewith respectfully return it with the recommendation that it do pass

The House then passed to the Consideration of H. B. No. 240. a Bill entitled "An Act to amend Section 2790 of Gantts Digest-"

The bill was read a third time and placed on its final passage.

The question being put.

Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative

Anderson (Craighead)
Anderson (Howard)
Baird
Baker
Boon
Boston
Bradford
Bright
Browning
Burns
Casey
Cochran
Colwick
Collins
Dodson (Randolph)
Drake
Durham
Dowell
Flippin
Fuller
Fulton
Gardner
Green
Hannah
Hill (Calhoun)
Humphrey
Jenkins
Little
McRae
Moore (J Crawford)
Moore (Woodruff)
Orr
Robinson (Dekalb)
Robinson (Monroe)
Ruddle
Rumph
Russell
Shinn
Slaughter
Snipes
Taylor
Venable
Weir
Wells (Dyer)
Weldberger. Witt. Wolfe
Mr Speaker.

Those members voting in the negative were:

Barrett
Bostic
Bragg
Copeland
Dodson (Stanton)
Foster.
Hill (Jefferson)
Maxwell
McConnell
Morgan
Patton
Poe
Polk. Powell
Putman
Rice
Spangler
Trimble
Williams

On the affirmative	47.
On the negative	19
Not voting	27.
	93.

So the bill was passed.

Message from the Senate by Thomas. D. Newton. Secretary

Senate Chamber
November 12th 1875.-

M. M

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill No. 240- entitled

"An Act to provide for the purchase of the bonds of any county of the State"

Also of the passage by the Senate of Senate Bill No 244- entitled "An Act to protect the children of the Commonwealth in their right to acquire useful trades"

Also the passage by the Senate of S. Mem No 10
"A Memorial to the Hon. the Senate and House of Representatives of the United States of America asking an appropriation to improve Navigation on the Yohio river &c"
and herewith respectfully submit the same for your consideration.

Thomas W Newton
Secretary.

Mr Wells, of Drew Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred
H. B. No. 239 an act entitled "An Act to authorize cities of first and second classes and towns and villages to levy a tax of not more than one hundred dollars on auctioneers and for other purposes."

have had the same under consideration, and herewith respectfully return it with the recommendation that it do pass.

The House passed to the consideration of H. B. No. 239. a bill entitled

"An Act to authorize cities of the first and second class, and towns and villages to levy a tax of not more than one Hundred dollars

The bill was read a third time and placed on its final passage.

The question being put:

Shall the bill pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Anderson (Howard)	Gardner	Orr
Baker	Gillis	Polk
Broc	Grissom	Powell
Bostic	Hannah	Robinson (Deshas)
Bradford	Hill (Calhoun)	Ruddle
Bragg	Hill (Jefferson)	Rumph
Bright	Hoover	Russell
Browning	Jones	Sadler
Casey	Judkins	Shirm
Cochran	Little	Spangler
Collins	Maxwell	Trimble
Copeland	McConnell	Venable
Dodson (Randolph)	McRae	Weir
Drake	Miller	Wells (Drew)
Dunbarr	Moore (Crawford	Widenger
Dowell	Moore (Woodruff)	Williams
Flippin	Orr	Witt. Wolfe
Fuller	Patton	Mr Speaker.

Those members voting in the negative were:

Baird	Elliott	Morgan
Boston	Foster	Witt
Burris.	Green	Mr Speaker.

In the affirmative	55
In the negative	4
Not voting	27
	93

So the bill was passed.

Mr Wells, of Dare chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred S.J.R. No. 32. "A Joint resolution providing for a board to effect a settlement with the United States respecting the Lands of the state sold by the United States"

have had the same under consideration, and herewith respectfully return it with the recommendation that it do pass.

Report of the committee was received and adopted.

The hour of 11 a m having arrived the House took up the special order of the day: being the consideration of

H. R. No. 154 a Bill entitled "An Act to define and establish the lines between the counties of Prairie and Lonoke"

The Bill was read a third time and placed on its final passage.

The question being put;

Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Howard)	Bragg	Copeland
Baird	Bright	Dodson (Newton)
Baker	Browning	Dodson (Randolph)
Booe	Burris	Drake
Bostic	Casey	Durham
Boston	Clinck	Dupain
Bradford.	Collins.	Foster.

Fuller	Miller	Russell
Fulton	Morgan	Sadler
Gardner	Moore (Crawford)	Skinner
Gillis	Moore (Union)	Snapper
Grissom	Moore (Woodruff)	Spangler
Hannah	Orr	Taylor
Hill (Jefferson)	Patton	Trimble
Hoover	Poe	Venable
Jones	Polk	Weir
Judkins	Rice	Wildberger
Little	Robinson (Desha)	Williams
McConnell	Robinson (Monroe)	Wirt
Maguire	Ruddle	Wolf
McRae	Rumph.	Mr Speaker.

None voting in the negative.

In the affirmative 63
In the negative none
Not voting 30
93

So the bill was passed.

On motion of Mr Slippin, under a suspension of the rules for that purpose.

The House then passed to the consideration of

S.B. No. 268. an Act entitled 'An Act to change the time of holding the courts in the 4th Judicial Circuit

Which was read the first time

The rules were then suspended.

The Bill was read a second time

On motion of Mr Rice the bill was referred to a special committee of the members of the 4th Judicial Circuit of =

which Mr Rice was appointed chairman by the Speaker.

The hour of 11. 25 a. m. having arrived, the House took up the special order of the day: being the consideration of

H. R. No. 226. a bill entitled "An Act to provide for the Institute for the blind."

The House resolved itself into the Committee of the whole House for the further consideration of the bill.

After some time spent thereon

The Committee rose at 11, 30 o'clock a m, and Mr Humphrey the Chairman, made the following report:

Mr Speaker:

The House acting as a Committee of the Whole have had under consideration the Bill entitled "An Act to provide for the Institute for the blind" being:

H. R. No. 226. and have instructed me to report the Bill back to the House and recommend its passage

The House then took up the special order of the day: being: the consideration of

H. R No. 226. a Bill entitled "An Act to provide for the Institute for the blind."

On motion of Mr Collins

The bill was read a third time and placed on its final passage.

The question being put;

Shall the bill pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Boot	Dowell	Moore (Woodruff)	
Boston	Gilpin	Patton	
Bragg	Foster	Poe	
Bright	Grisson	Polk	
Casey	Humphrey	Riddle	
Chick	Jones	Sadler	
Coleman	Judkins	Slaughter	
Collins	Little	Spangler	Wall
Copeland	Maxwell	Taylor	Weir
Dodson (Newton)	Miller	Trimble	Wildberger
Dodson (Randolph)	Morgan	Venable	Williams

Those members voting in the negative were:

Anderson (Knaigheads)	Collins	Hill (Calhoun)	
Anderson (Howard)	Copeland	Love	
Baird	Davis	Martin	
Baker	Drake	McConnell	
Barrett	Durham	McRae	
Bostic	Fuller	Moore (Crawford)	
Bradford	Fulton	Orr	
Bright	Gardner	Powell	
Browning	Gillis	Putman	
Burns	Green	Rice	
Cochran	Hannah	Robinson (Monroe)	
		Rumph	Russell
		Shinn	Sawyers
		Witt	Wolf, Mr Speaker

For the affirmative	37
For the negative	36
Not voting	20
	93

So the bill was passed.

On motion of Mr Gillis, the House at 12.15 P.M. adjourned.

J. B. Gambrell
Clerk

T. J. Pennington
Speaker Pro Tem

Thursday Morning
November 11" 1875.

The House met pursuant to adjournment

The roll was called and the following named members answered to their names:

Anderson (Craighead)
Anderson (Howard)
Baird
Baker
Barrett
Broe
Bostic
Bolton
Bradford
Bragg
Bright
Browning
Burns
Casey
Cochran
Cluck
Coleman
Collins
Copeland
Davis
Dodson (Stewart)
Dodson (Randolph)
Drake
Durham
Dowell
Flippin
Foster
Fuller
Fulton
Gardner
Gillis
Green
Grissom
Hannah
Headrick
Hill (Cathcart)
Hill (Jefferson)
Hoover
Humphrey
Jones
Jenkins
Kerr
Little
Love
Martin
Maxwell
McConnell
McRae
Miller
Morgan
Moore (Crawford)
Moore (Marion)
Moore (Woodruff)
Orr
Patton
Poe
Polk
Powell
Putman
Rice
Robinson (Decatur)
Robinson (Monroe)
Ruddle
Rumph
Russell
Sadler
Shinn
Slaughter
Spangler
Taylor
Trimble
Venable
Wall
Weir
Wells (J Drew)
Wildberger
Williams
Witt
Wolfe
Mr Speaker.

A quorum of the House present

Prayer by the Chaplain.

The Journal of the preceding day was then read and approved.

Mr Dunhams moved that the Journal be corrected so as to show that Bill of the House No 226 "An Act to provide for the Institute of the blind" did not pass the House on yesterday, constitutionally.

Mr Collins made the point of order "that the Speaker had announced "that the Journal had been approved before the objection was raised".

The Speaker ruled the point of order not well taken

Mr Collins then raised the point of order "that the Journal states the facts as they actually transpired in the House, and that the House has no right to make the Journal misstate the facts".

Mr Jackins moved the previous question

Which was sustained and the previous question Ordered.

The question recurring on the motion of Mr Dunhams to correct the Journal.

Mr Collins called for the ayes and noes

The call was sustained

The roll was called and the following members voted in the affirmative:

Anderson (Craighead
Anderson (Howard)
Baird
Baker
Bostic
Bradford
Burns
Cochran
Cluck
Drake
Dunhams
Gardner
Gillis
Green.

Hannah
Hill (Calhoun)
Hoover
Love
Martin
McRae
Mellen
Moore (Woodruff)
Orr.
Poe
Powell
Putman
Rice
Robinson (Desha)
Robinson (Monroe)
Shinn
Wells, of Dallas

The members voting in the negative were:

Barrett
Boot
Boston
Bragg
Bright
Browning
Casey
Coleman
Collins
Copeland
Davis
Dodson (Newton)
Dodson (Randolph)
Dowell
Flippin
Fowler
Fulton.
Hill (Jefferson)
Humphry
Jones
Judkins
Kerr
Little
Maxwell
McConnell
Morgan
Moore (Crawford)
Moore (Union)
Patton
Polk
Ruddle
Rumph
Sadler
Slaughter
Spangler
Taylor
Trimble
Venable
Wall
Weir
Wildeager
Williams
Wolf
Mr. Speaker

For the affirmative	34
For the negative	44
Not voting	15
	93.

So the motion to correct the Journal was not sustained.

A message from the Senate by Thomas W. Newton, Secretary

Senate Chamber
November 10th 1875.

Mr. Speaker.

I am instructed by the Senate to inform your honorable body of the passage by the Senate of House Bill No 222 entitled —

"An Act authorizing the county and Probate Judges of this State to draw their Salaries and for other purposes" together with the following amendment: thereto by inserting in the 4th line of Section 1 between the words "issue" and "warrants" the word "quarterly" and herewith respectfully return the same for your consideration.

Thomas H. Newton. Secretary.

Also a further message from the Senate:

Senate Chamber
Nov 16th 1875.

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of

Senate Bill. No. 275. entitled

"An Act to require Assessor's to show in a separate column on his Tax lists, the number of School Districts in which the personal property is to be taxed and to pay said assessors for said service"

Also of the passage by the Senate of Senate Memorial No. 8. entitled

"A message. Memorializing the Congress of the United States in aid of the Southern Pacific Rail-road"

and herewith respectfully submit the same for your Considerations.

Thomas. H. Newton. Secretary

Under a suspension of the rules, by consent. Mr Jenkins offered the following Resolution.

Mr Speaker:

"I move to reconsider the vote had on yesterday by which

H. R. No 226. was passed"

The Speaker announced the special order for this hour.

On motion of Mr Rice the special order of the day was postponed for 30 minutes to enable the House to dispose of the matter before it.

The question recurring on the motion to reconsider the vote had on yesterday by which the House passed House Report No 226 an act entitled "An Act to provide for the Institute for the blind"

The question being put;

Shall the House reconsider the Vote?

It was decided in the affirmative

Mr Bell of Calhoun called for the ayes and nays.

The call was sustained.

The roll was called and the following members voted in the affirmative:

Anderson (Craighead)
Anderson (Howard)
Baird
Baker
Barrett
Boone
Bostic
Bradford
Bright
Browning
Burns
Casey
Cochran
Cluck
Coleman
Dodson (Newton)
Dodson (Randolph)
Drake
Dunham
Dowell
Hipkins
Foster
Fuller
Fulton
Gardner
Gillis
Green
Grisson
Hannah
Hill (Calhoun)
Hoover
Jones
Judkins
Kerr

Love	Pollitt	Symington
Martin	Por	Taylor
McConnell	Powell	Trimble
McRae	Putnam	Venable
Miller	Rice	Wall. Weir.
Morgan	Robinson (Desha)	Wells. J Drew
Moore (Crawford)	Robinson (Monroe)	Williams
Moore (Woodruff)	Runyan	Wirt. Wolf
Orr.	Russell. Shinn.	Mr. Speaker.

Those members voting in the negative were:

Boston	Davis	Ruddle
Bragg	Hill (Jefferson)	Sadler
Collins	Humphrij	Vail
Copeland.	Maxwell.	Wildberger

In the affirmative	82
In the negative	12
Not voting	18
	93

So the House agreed to reconsider the vote

On motion of Mr Collins the bill was recommitted to the Committee on public expenditures.

Mr Weir Chairman of the Committee on Engrossed Bills made the following report:

Mr Speaker:

The Committee on Engrossed Bills to whom was referred

H. R. No 225 an Act entitled "An Act to establish a Court of Common Pleas in Independence county have had the same under consideration and have amended the title so as to read "An Act to establish a Court of Common Pleas in the Counties therein named." have also modified said bill in some particulars so as to conform to the amendments adopted by the House and respectfully return the same.

The report of the committee was received and the amendments adopted.

Mr Weir chairman of the Committee on Engrossed Bills, made the following report:

Mr Speaker:

Your committee on Engrossed Bills have had under consideration H. B. No 246. an Act entitled "An Act to raise the Salary of the County and Probate Judge of Garland County"
have had the same under consideration,
the Committee have changed the title to read "An Act to fix the salaries of the County and Probate Judges of the Counties therein named" in order that the same should conform to the ammendaments adopted by the House.
And return the same correctly engrossed

The report of the Committee was received and adopted.

On motion of

Mr McDonnell leave of absence was granted Mr Sawyers for twelve days on account of sickness in his family.

On motion of

Mr Russell, Mr Cleveland was granted leave of absence for the day on account of sickness

On motion of

Mr Dodson of Randolph leave of absence was granted Mr McClelland for three days, and also to Mr Mann who is waiting on Mr McClelland who is sick.

On motion of

Mr Humphry, Mr Wells of White was granted leave of absence for two day on account of sickness.

The hour of 10 A&M having arrived the House took up the Special order of the day: being the consideration of

H. B. No 246 a Bill entitled "An Act to fix the Salary of the County and Probate Judges in the counties therein named"

On question of Mr Copeland the bill was amended by "Engrossed rider" to include the county of Crittenden and make the Salary of the County and Probate Judge of that county to be $700.

The Bill was read a third time and placed on its final passage.

The question being put.

Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative

Anderson (Baighead)
Anderson (Howard)
Baird
Bakes
Barnett
Boon
Bostic
Boston
Bradford
Bragg
Bright
Browning
Burns
Casey
Cochran
Cluck
Copeland
Davis
Dodson (Fulton)
Dodson (Randolph)
Drake
Durham
Dowell
Filkpin
Fowler
Fuller
Fulton
Gillis
Green
Hancock
Hill (Calhoun)
Hoover.

Humphrey
Jones
Jenkins
Kerr
Little
Love
Maxwell
McConnell
McRae
Miller
Morgan
Moss (Woodruff)
Orr
Patton
Poe
Powell
Putnam
Rice
Robinson (Desha
Robinson (Monroe
Ruddle
Rumph
Russell
Sadler.
Shinn
Slaughter
Spangler
Taylor
Trimble
Venable
Wall.
Weir
Williams
Witt
Wolf
Mr Speaker.

Those voting in the negative were: Gardner. Martin

In the affirmative 71
In the negative 2
Not voting 20
93

So the bill was passed

On motion of Mr Boston Mr Coleman was added to the Committee on the Penitentiary

Under a suspension of the rules for that purpose

Mr Dodson of Randolph by consent, introduced a bill entitled "An Act to change the time of holding the Circuit Courts, in the several Counties of the 2d Judicial Circuit

H. B. No 265.

which was read the first time

The rules were then, on motion suspended the bill read a second time and referred to a Committee of members from the Second Judicial District with Mr Anderson of Craighead as chairman.

Mr Lucas a suspension of the rules for that purpose,

Mr Little presented the following petition and accompanying bill:

Little Rock Arkansas
November 9th 1875.

To the Honorable Speaker and
House of Representatives;

Gentlemen:

Your petitioner would most respectfully represent that during the troubles known as the Brooks & Baxter war, that your petitioner furnished to the State troops under command of Maj Gen T.J. Churchill, and on orders approved by him, and at greenback rates, horses transportation and forage, as he has vouchers to show (and which he will produce to any Committee where called for) to the amount of four hundred and thirty-six dollars, which amount is justly due and unpaid.

All I ask of your honorable body is that my claim be examined and passed on by the proper Committee, and I am fully satisfied that my claim will be declared just; and the appropriation asked for made and the debt paid

Very respectfully
Wm S Davis.

Mr Little by consent, introduced a bill entitled
"An Act for the relief of Wm S Davis of Pulaski County

H.R. No. 266.
which was read the first time

The rules were then, on motion, suspended, the Bill read a second time, and referred to the Special Committee of seven appointed on the "Sumpter claim" of which Mr Russell is chairman, together with the accompanying petition.

On motion of Mr Martin, Mr Durham was added to=

the Committee on "Public Expenditures"

The Hour of 10 a.m having arrived, the House took up the Special order of the day: being the Consideration of

H. R. No. 88. a bill entitled "An Act to amend sections 5050 and 5054 of Hants Digest."

The Bill was read a third time and placed on its final passage.

The question being put:

Shall the bill pass?

It was decided in the affirmative

The roll was called, and the following named members voted in the affirmative:

Anderson (Howard)	Foster	McDonnell
Balcom	Fuller	McRae
Baker	Fullerton	Morgan
Barrett	Gardner	Moore (Crawford)
Bezanson	Gillis	Moore (Pictou)
Boston	Green	Moore (Woodstock)
Bragg	Grierson	Orr
Burns	Hannah	Patterson. Pict.
Casey	Hill (Colchester)	Polley
Cochrane	Humphrey	Robinson (Digby)
Cluett	Jones	Ruddock. Kennedy
Coleman	Jenkins	Russell
Davis	Kerr	Sadler.
Dodson (Newton)	Little	Sinnott
Dodson (Randolph)	Love	Slaughter
Dowell	Martin	Spangler
Flippin	Maxwell.	Tingley. Trueman
		Wall. Weir
		Wells of Digby. Williams
		Wilson. Wolf. The Speaker

Those members voting in the negative were:

Anderson (Craighead)
Baird
Baker
Bone
Bradford.
Durham
Hill (Jefferson)
Miller
Powell
Ruddle
Saylor.

In the affirmative	59
In the negative	11
Not voting	33
	93

So the Bill was passed.

Message from the Senate by Col Thomas. H. Newton, Secretary.

Senate Chamber
November 11th 1875

Hon Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill No 253, entitled

"An Act to authorize the State board of Finance to borrow money to pay the expenses of the State Government and to pledge the bonds of the State as security."

Also the passage by the Senate of Senate Bill No 255, entitled "An Act to amend an act entitled An act to amend the Revenue laws of the State approved March 5. 1875"

Also of the passage by the Senate of Senate Bill No 256. entitled

"An Act to provide for funding the auditors warrants and Treasurers certificates issued since the 23d day of December 1874"

And herewith respectfully submit the same for your consideration

Thomas H. Newton Secretary

The Hour of 11 a m having arrived the House took up the special order of the day: being the consideration of

S. B. No. 246 a Bill entitled "An Act to change the time of holding the circuit court in White County."

The Bill was read a third time and placed on its final passage.

The question being put,

Shall the Bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Craighead)	Fuller	Orr
Anderson (Howard)	Fulton	Patton
Baird	Gillis	Polk
Bone	Green	Pittman
Bostic	Grissom	Rice
Boston	Hannah	Robinson (Dubois)
Bradford	Hill (Calhoun)	Robinson (Monroe)
Bragg	Hoover	Ruddle
Bright	Humphrey	Russell
Browning	Jones	Sadler
Burns	Jenkins	Shinn
Causey	Kerr	Slaughter
Chick	Little	Spangler
Coleman	Love	Taylor
Davis	Martin	Trimble
Dodson (Scott)	Mapple	Venable
Dodson (Randolph)	McClanahan	Wall
Drake	McRae	Weir
Durham	Miller	Wells (of Dunn)
Dowell	Morgan	Wildeberger
Fleiskin	Moore (Crawford	Williams
Foster	Moore (Union)	Witt. Wolf
	Moore (Woodruff)	Mr Speaker.

Mr Rice of Jefferson voted in the negative.

In the affirmative 68
Mr the negative 1
Not voting 24
93.

So the bill was passed.

Under a suspension of the rules,

By unanimous consent Mr Slaughter chairman of the committee on Ways and Means, submitted the following report:

Mr Speaker:

The Committee on Ways and Means to whom was referred

S.B. No 251 an act entitled "An Act for the relief of the Securities of John P. Bull as Sheriff and Tax Collector of taxes in the County of Hempstead."

beg leave to state they have had the same under consideration, and herewith respectfully return the same with a recommendation that it pass.

The report of the committee was received and adopted.

The House then under a suspension of the rules for that purpose, passed to the consideration of

S.B. No 241 an act entitled "An act for the relief of John P. Bull Sheriff and Collector of Taxes in the County of Hempstead"

The Bill was read a third time and placed on its final passage.

The question being put:

Shall the bill pass?

"The roll was called and the following named members voted in the affirmative:

Anderson (Monaghead)	Dowell	McRae
Anderson (Howard)	Hilppin	Moore (Woodruff)
Bostic	Foster	Orr
Boston	Fulton	Patton
Bragg	Gardner	Poe
Bright	Gillis	Polk
Browning	Green	Rice
Burns	Grisson	Robinson (Desha)
Casey	Hannah	Robinson (Monroe)
Chick	Hill (Calhoun)	Riddle
Coleman	Hoover	Rennick.
Collins	Humphrey	Russell. Sadler
Davis	Jones.	Shinn. Slaughter
Dodson (Newton)	Kerr	Saylor.
Dodson (Randolph)	Little	Wall. Weir
Drake	Love	Wells (B. Drew) Williams
Dunham	Marwell	Witt. Wolf. Mc Speaker

The members voting in the negative were:

Bone	Morgan
Jenkins	Putman
Martin	Sparagler
McDonnell.	Trimble
Miller.	Venable.

For the affirmative 57.
For the negative 11
Not voting 25
93

So the Bill was passed.

On motion of Mr Jenkins the Special order of the day was post-poned until 9.30 a m tomorrow to enable the House to take up and consider the Finance bills reported from the Senate this morning

Under a suspension of the rules,

On motion of

Mr Jenkins the House then passed to the consideration of

S. B. No. 253 an Act entitled "An Act to authorize the State Board of Finance to borrow money to pay the expenses of the state Government and to pledge the Bonds of the state as security."

Which was read the first time

The rules were then suspended.

On motion of Mr Jenkins

The bill was read a second time and referred to the Committee on Ways and Means, and 240 copies ordered printed.

Under a suspension of the rules for that purpose.

On motion of Mr Jenkins

The House then passed to the consideration of

S. B. No. 255. an act entitled "An Act to amend an Act entitled an Act to amend the Revenue Laws of the State approved March 5th 1875"

Which was read the first time

The rules were then suspended.

On motion of

Mr Jenkins, the bill was read a second time and, referred to the Committee on Ways and Means, and 100 copies ordered printed

Under a suspension of the rules for that purpose,

On motion of Mr Jenkins,

The House then passed to the consideration of

S.B. No. 256. an act entitled. "An Act to provide for funding the Auditors warrants and Treasurers certificates issued since the 23d of December 1874"

which was read the first time

The rules were then suspended.

The Bill was read a second time and referred to the Committee on Ways & Means, and 100 copies ordered printed

A Message from the Senate by Thomas W Newton Secretary.

Senate Chamber
November 11" 1875-

Mr Speaker:-

I am instructed by the Senate to inform your honorable body of the appointment by the Senate of a Committee of the Senate composed of Members Jones. East and Johnson to confer with a like Committee upon the part of the House whose duty it shall be to draft and report a bill providing for a change of time in holding the Courts in the 6th Judicial Circuit."

Also of the appointment by the Senate of a Committee of three to act in conjunction with five members of the House of Representatives to enquire into the Expediency and Propriety of dividing the "Fifth Judicial District" and creating and establishing a new District out of the same.
The Committee on the part of the Senate consists of Senator Skinner, Tobey and Wheeler.

Respectfully
Thomas W. Newton Secretary

On motion of Mr Jenkins it was ordered by the House that the special committee heretofore raised consisting of the members of the 8th Judicial Circuit, be the committee on part of the House to act with the Senate Committee on this subject.

On motion of Mr Jenkins it was ordered that the Committee on part of the House to act with the Committee of three on part of the Senate shall consist of the members from those counties of the fifth Judicial Circuit is composed conditioned that the County having a member on the Senate Committee will not be represented on the House Committee.

There at 12.45 PM on motion of Mr Moore, of Union the House adjourned.

J. T. Gaulding
Clerk

W. A. Pennington
Speaker House Rep

Friday Morning
November 12th 1875.

The House met pursuant to adjournment

The roll was called and the following named members answered to their names:

Anderson (Craighead)	Barrett	Bradford
Anderson (Howard)	Bass	Bragg
Baird	Bazzle	Bright
Baker	Bazlon	Browning

Burns
Casey
Cochran
Cheaney
Cleveland
Cluck
Coleman
Collins
Copeland
Davis
Dodson (Newton)
Dodson (Randolph)
Drake
Durham
Dowell
Gilpin
Foster
Frazier
Fuller
Fulton
Gardner
Gillis
Greer
Grissom
Hannah
Headley
Hill (Calhoun)
Hill (Jefferson)
Hoover
Humphrey
Jones
Judkins
Kerr
Little
Love
Martin
Maupin
McConnell
McRae
Miller
Morgan
Moore (Crawford)
Moore (Union)
Moore (Woodruff)
Orr
Patton
Poe. Polk
Powell. Putman
Rice. Robinson (Desha)
Robinson (Lawrence)
Ruddle. Rumph.
Russell. Sadler.
Shinn. Slaughter
Spangler. Taylor
Shimble. Venable.
Wall. Wann.
Weis. Wells of Drew
Wells of White. Wildberger
Williams Witt
Wolf McSpaker.

A quorum of the House present

Prayer by the Chaplain

The Journal of the preceding day was read and approved.

On motion of Mr Browning Chief Clerk Goulding was granted leave until Monday November 15th 1875.

On motion of Mr Orr the leave of absence heretofore granted Mr Sanders was extended for ten days.

On motion of McJudkins Mr Moore of Woodruff was granted leave for the day on account of sick

On motion of Mr Humphry leave of absence was granted the Chaplain until Monday.

The Speaker then announced the following Committee in conjunction with the committee appointed on part of the Senate on the subject of the 5th Judicial District.

Messrs

Kerr. Green. Sutton. Spangler = and Sadler.

Mr Chaney by unanimous consent presented the following petition, which was read and

On motion of Mr Chaney referred to the Committee on Agriculture:

Whereas our country is infested with a worthless set of curs much to the detriment of Sheep-raising; and, Whereas, we have in our midst- our idle and worthless class of individuals who are continually strolling through the country with firearms and killing up our stock much to our injury, therefore;
Be it resolved: by the members of Cotton Grainge No 528, that we urgently request our Hon Legislature now in session convened at the city of Little Rock - to pass at once a stringent Dog Law by levying a Tax of not less than $5.00 per head on all dogs within the limits of the State.
2d That they are also requested to enact a Law imposing a Tax of $5,00 on all Pistols and the sum of $10.00 on each Gun found within the limits of the State.
3d. That if our Hon Legislature will only protect us in the raising of stock by enacting such laws, as will abolish or do away with the worthless curs in the country and place a Tax upon fire arms, that will take them out of the hands of idle and worthless persons who live at our expense that we will then be in a condition to erect our Smoke Houses from

Cincinnatti and St Louis.
4th That a copy of these resolutions be furnished our Representative at Little Rock, the Hon R. C. Chaney and that he be requested to use his best efforts to have the same passed.
5th That our worthy secretary be requested to furnish the Weekly Grange at Little Rock a copy of these resolutions for publication
Nov 6" 1875.

Thil S. Timm
Jo Sec.

To J Childers Secy

Dear Sir:

I would be glad if you would endeavor to have Laws passed, that will protect us in the raising of stock, although your residence is on the Prairie you doubtless are familiar with the difficulties under which we live in the bottom Country.
Would write you a long letter but am pressed just now with business.

Very truly &c
Jo. J. Childers.

Under a suspension of the rules by unanimous consent: Mr Gluck introduced the following petition

To the Hon. the General Assembly of the State of Arkansas:

Your petitioner Isaac Murphy begs leave respectfully to represent to your honorable Bodies that on the 8th day of March A D 1869, Senate joint resolution No. 18. was approved and became a Law. That in virtue of that resolution the Governors Salary was and became payable on a Gold basis. That in accordance therewith, your petitioner (then being Governor on the first of April following the approval of said resolution received from the Treasurer the sum of $625.00 in U. S. currency with 40 per cent added making his yearly

$875. dollars in U.S. Currency.
This payment including the months of January, February and March of 1867.
He also received the same for the residue of the year 1867 and for the year 1868, up to the 4th July when he was relieved by the Inauguration of Powell Clayton. That your petitioner was inaugurated Governor on the 18th April 1864, but have been acting Governor by appointment of the Constitutional Convention of 1864 from the 6th day of January up to the said 18th April.

And your petitioner respectfully represents that he has never received the 40 per cent, for the years 1864, 1865, and 1866. amounting to the sum of three thousand dollars or thereabouts. Your petitioner believing that he is legally and equitably entitled to such sum as the Treasurers books will show the 40 per cent was not paid as discount on Green Backs or U.S promissory notes which was lower at the time of the passage of the resolution than it had been previously. This is a debt created by Statute and the legal Bonds of the State are of no higher validity Your petitioner therefore asks that your Hon. Bodies make an appropriation to pay the same.

With high respect. Your fellow citizen
Isaac Murphy

Which on motion of Mr Block was referred to the Committee on Memorials, with instructions to report by bill or otherwise.

By Unanimous Consent.

Mr Anderson, of Howard, introduced the following Memorial.

Petition
To the honorable Senate and House of Representatives of the State of Arkansas:

represent- that some years ago he found the way of itinerating as a Minister of the Gospel blocked up by the very heavy responsibilities of a large and growing family, and still wishing to labor for the amelioration of the condition of his fellows, embarked in a school enterprise at Mineral-Springs, Howard County Ark. That he invested all his savings in a school building and boarding-house, and of course is sole proprietor of the premises as well as principal of the school. That he has paid taxes on the same all the while, even the bitter taxes of Confiscation. Your petitioner finds that the Legislature has exempted from taxation public school property, and your petitioner was not fully satisfied that he could claim exemption under the law yet his school is public in every sense except that of proprietorship.

Your petitioner has never been able to see the justice in being required to pay taxes, although proprietor of the premises, while other property of the same kind and used for the same purpose is exempt.

The case is simply this: If one man shoulders the whole burden he must pay tax; but if many men contribute to build the premises they are exempt. The difference is in the one case the title rests in an individual who holds it for the public for the time being in the other the title rests in Trustees who hold it for the public in perpetuam.

Your petitioner would remind you (for the fact is patent to any thinking mind) that School-teaching is not a paying business nor is boarding at the rates advertised in the accompanying Circular, which is two and a half dollars per month, less than the prevailing rates at other public boarding houses in the same town. In view of the representations above Your petitioner prays the Legislature

to exempt from taxation the premises of the undersigned in the said town of Mineral Springs Howard Co Arkansas, so long as they are used for school purposes.

Yours most respectfully
L W Hays.

On motion of Mr Anderson, of Howard the petition was referred to the Committee on Memorials, with instructions to report by bill or otherwise.

Under a suspension of the rules

by unanimous consent=

On motion of Mr Patton the House passed to the consideration of

H. R. No 25-1. "An Act to refund money to Washington County erroneously collected from the tax payers of Washington County."

On motion of Mr Patton the House resolved itself into the Committee of the whole House for the further consideration of the bill.

After some time spent thereon.

The Committee rose at 11 a m, and Mr Flippin Chairman, made the following report:

Mr Speaker:

The House acting as a Committee of the Whole have had under consideration the Bill entitled "An Act to refund moneys to Washington County erroneously collected from the tax payers of Washington County."

being H. B. No 267. and have instructed me to report the Bill back to the House without any recommendation

The report of the Committee was received, and

On motion of Mr Rice the Bill was referred to the Committee on the Judiciary

By unanimous consent-

Mr Little introduced a Bill entitled "An Act to amend section 4890 of Scates Digest

H. B. No. 267.

which was read the first-time.

The rules were then, on motion, suspended, the Bill was read a second time, and

On motion of Mr Little the Bill was made special order of the day for 11, 15 A M. on Monday November 15th 1875.

Mr Coffee appeared in his seat and answered to his name

Mr Wells chairman of the committee on the Judiciary made the following report:

Mr Speaker:

Your committee on Judiciary have had under consideration

H B No 243. an act entitled "An Act to fix the place of holding the Courts of record of Clayton County and report the same to the House with the recommendation that it pass with the following amendments: viz:

Amend section (6) by adding after the word "County" in the sixth line and before the word "until", in the seventh line the following to wit.
"At the times provided by Law for holding courts in said county"

Amend the Preamble by striking out all down to the third clause of said preamble and amend said third clause so as to read as follows:
Whereas; there are now pending in Clayton county divers suits in relation to the location of said county - site which are preventing the courts of record from being held in said County, therefore;

Amend further by adding the following to be known as Section 2.

That the name of the said County of Clayton be and is hereby changed to Poland.

Amend the title by adding to said title "and to change the name of the said County"

On motion of Mr Kerr the report of the Committee was adopted, and,

On motion of Mr Kerr the ammendments reported by the Committee were adopted.

And the bill ordered Engrossed and made the Special order of the day for 11,30 a m. on Monday November 15th 1875.

Mr Wells of Dade, chairman of the Committee on the Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred H. R. No 17th., "an act-

to amend section 5037 and to repeal section 5046 of Gantts Digest."

beg leave to state they have had the same under Consideration and herewith respectfully return the same with a recommendation that it do not pass.

Report of the committee received and adopted.

Mr Wells of Drew Chairman of the Committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred

H.R. No. 250 an act entitled "An Act to amend Sec 1382 Chap 19 Gantts Digest have had the same under consideration and respectfully return it with the recommendation that it do not pass.

The report was received, and

The House refused to adopt the report of the Committee.

A message from the Senate by Col Thos. W. Newton Secretary.

Senate Chamber
Nov 11" 1875

Mr Speaker:

I am instructed by the House to inform your honorable body of the passage by the Senate of Senate Bill No 242. entitled

"An Act to be entitled An Act repealing sections 5125. 5126 and 5127 of Gantts Digest establishing County Boards of Equalization"

Also of the passage by the Senate of

Senate Bill No 124 entitled

"An to Prescribe for actions benefit actions shall be brought and prosecuted for injuries resulting in death"

and herewith respectfully submit the same for your consideration

Thomas H Newton Secretary

Under a suspension of the rules for that purpose

The House passed to the consideration of H. R. No. 174. a Bill entitled "An Act to amend section 5037 and to repeal section 5046 of Garnetts Digest-

On motion of

Mr Rumph the bill was read a third time and placed on its final passage.

The question being put.

Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Howard)	Cochran
Avera	Chaney
Baker	Cleveland
Barrett	Clark
Boone	Copley
Bostic	Davis
Boston	Dodson (Newton)
Bradford	Dodson (Randolph)
Bragg	Drake
Bright	Dowell
Browning	Flippen
Burns	Gorton
Casey	Grayson

Fuller	Morgan	Sadler
Fallon	Moore (Crawford)	Slaughter
Gardner	Moore (Union)	Taylor
Hannah	Orr	Trimble
Hill (Calhoun)	Poe	Venable
Hoover	Powell	Wall
Humphrey	Rice	Warren
Jones	Robinson (Monroe)	Weir
Love	Ruddle	Wells of Drew
Martin	Rumph	Williams
McRae.	Russell.	Wm. Wolf
		Mr. Speaker.

Those in the negative were

Copeland	Judkins	Patton
Durham	Kerr.	Poe
Ellis	Mayfield	Robinson (Dallas)
Grisson	McConnell	Shinn
Hill. (of Jefferson)	Miller.	Spangler.

For the affirmative	61
For the negative	15
Not voting	17
	93.

So the bill was passed.

Mr. Wells, of Drew, Chairman of the Committee on Judiciary made the following report:

Mr. Speaker:

The Committee on Judiciary to whom was referred

H.R. No. 257.

An Act entitled "An Act to regulate the sale of property for taxes."

have had the same under consideration and respectfully return it, with the recommendation that it do not pass.

The report of the Committee was adopted, and

On motion of
Mr Humphrey the bill was indefinitely postponed.

Mr Wells, of Dare chairman of the committee on Judiciary made the following report:

Mr Speaker:

The Committee on Judiciary to whom was referred S.B. No. 192 an act entitled "An Act to remit the penalties on lands subscribed or donated to railroads.
have had the same under consideration and herewith respectfully return it with the recommendation that it do not pass.

The report of the committee was adopted, and

On motion of
Mr. Humphrey the bill was indefinitely postponed.

On motion of
Mr Martin by unanimous consent

The House passed to the consideration of

H. R. No. 250 a Bill entitled "An Act to amend section 1382 of chapter nineteen of Battle's Digest.

The Bill was read a third time and placed on its final passage.

The question being put,

Shall the bill pass?

It was decided in the affirmative.

The roll was called, and the following named members voted in the ~~affirmative~~ negative

Avery
Baker
Barrett
Bostic
Bradford
Bragg
Bright
Browning
Burns
Casey
Cochran
Chaney
Coffey
Coleman
Dodson (Stanly)
Drake
Efird
Fuller
Fulton
Gardner
Grisson
Hannah
Hill (Calhoun)
Hoover
Humphrey
Kerr
Long
Martin
McRae
Moore (Crawford)
Moore (Union)
Robinson (Dare)
Robinson (Monroe)
Rumph
Russell
Venable
Wall
Mr Speaker.

Those voting in the negative were:

Anderson (Craighead)
Anderson (Howard)
Boone
Boykin
Cleveland
Cluck
Collins
Copeland
Davis
Dodson (Randolph)
Durham
Dowell
Foster
Gillis
Hill (Jefferson)
Jones
Jordan
Maxwell
McConnell
Miller
Morgan
Orr
Patton
Poe
Polk
Powell
Rice. Riddle
Sadler.
Shinn
Slaughter
Spangler
Taylor
Trimble
Vann
Voit
Wells (of Drew)
Wildberger
Williams. Wolf.

In the affirmative 38
In the negative 40
Not voting 25
93

So the bill was not passed.

Mr Rice chairman of the select committee on the 4th Judicial circuit made the following report:

Mr Speaker:

The select committee on

4th Judicial circuit to whom was referred

S.B. No. 268 an Act entitled "An Act to change the time of holding the circuit courts in certain counties in the fourth Judicial circuit in this state."
have had the same under consideration, and herewith respectfully return it, with the recommendation that it do pass.

Under a suspension of the rules for that purpose

The House passed to the consideration of

S.B. No. 268. a bill entitled "An Act to change the time of holding the circuit courts in the fourth Judicial circuit.

The Bill was read a third time and placed on its final passage.

The question being put,

Shall the bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative:

Anderson (Bainghead)	Black
Anderson (Howard)	Boffey
Avers	Coleman
Baker	Collins
Barrett	Copeland
Bragg	Davis
Bright	Dodson (Newton)
Browning	Dodson (Randolph)
Burns	Drake
Causey	Durham
Cochran	Dowell
Chaney.	Elspin

Foster	Martin	Ruddle
Frazier	Maxwell	Rumsey
Fuller	McConnell	Russell
Fulton	McRae	Sadler
Gardner	Miller	Skinner
Green	Moore (Crawford)	Slaughter
Grissom	Moore (Union)	Spangler
Hannah	Orr	Taylor
Hill (Calhoun)	Patton	Trimble
Hill (Jefferson)	Poe	Venable
Humphrey	Polk	Vann.
Jones	Powell	Weir
Judkins	Putnam	Wildberger
Kerr	Rice	Williams
Little	Robinson (Dallas)	Mess. Wolf
Love.	Robinson (Monroe.	Mr. Speaker.

None voting in the negative

On the affirmative 73
On the negative none
Not voting. 26
99.

So the bill was passed.

Under a suspension of the rules,

By unanimous consent

Mr. Browning chairman of the Committee on Agriculture made the following report:

Mr. Speaker:

The Committee on Agriculture to whom was referred

S. B. No. 171. an Act entitled "An Act in regard to partition fences and other purposes."

beg leave to state they have had the same under consideration and thereunto respectfully return

the same with a recommendation that it do not pass.

The report of the Committee was adopted; and,

On motion of Mr Humphrey the bill was indefinitely postponed.

Mr Rice moved in accordance with the motion heretofore given, to reconsider the vote by which the House passed.

Senate Bill. 193. "An act for the relief of laborers and Mechanics"

Mr Kerr moved to lay the motion to "reconsider" on the table.

Which was not agreed to, and

On motion of Mr Rice the bill was recommitted to the Committee on the Judiciary.

Under a suspension of the rules for that purpose

Mr Humphrey, by consent introduced a bill entitled

"An Act to provide for the printing and sale of the Supreme Court reports

H. R. No. 268.

Which was read the first time

The rules were then on motion, suspended. the Bill read a second time, and referred to the Committee on the Judiciary.

Mr Davis chairman of the Committee on Memorials made the following report:-

Mr Speaker:

The Committee

on Memorials to whom was referred

H. M. No. 39. —

H. J. R. Memorial to Congress asking the donation of the remaining public domain to the State of Arkansas for Educational purposes &c have had the same under consideration and respectfully report the same back to the House with a recommendation that it do pass.

The report of the Committee was received and adopted.

Under a suspension of the rules for that purpose

The House passed to the consideration of

H. J. R. No. 39. A Memorial to Congress asking the donation of the remaining public domain to the State of Arkansas for Educational purposes"

On motion of Mr. Pennington (Mr. Durham in the chair) the Memorial was read a third time and placed on its final passage.

The question being put.

Shall the Memorial pass?

It was decided in the affirmative.

The roll was called and the following named members voted in the affirmative:

Henderson (Conighead)
Henderson (Howard)
Baird
Baker
Barrett
Bone
Bostic
Boulin
Bradford

Bragg
Bright
Browning
Burns
Casey
Cochran
Chaney
Cleveland
Cluck.

Coleman
Collins
Copeland
Davis
Dodson (Newton)
Dodson (Randolph)
Drake
Durham
Dowell
Hippain
Hosier
Frazier
Fuller
Fulton
Gardner
Green
Hannah.
Hill (Calhoun)
Hoover
Jones
Jenkins
Kerr
Little
Love
Martin
Maxwell
McConnell
McRae
Miller
Morgan
Moore (Crawford)
Moore (Union)
Orr
Patton
Poe
Polk
Powell
Putnam
Rice
Robinson (Dixie)
Robinson (Monroe)
Ruddle
Rumph
Russell
Sadler
Shinn
Slaughter
Taylor
Trimble
Venable
Wall. Wasson. Weir
Wells (of Dixie)
Wildberger. Williams
Witt. Wolfe. Mr Speaker.

None voting in the negative

In the affirmative 78
In the negative None
Not voting 15
93

So the Joint Memorial was passed.

Under suspension of the rules for that purpose

Mr Kerr introduced a Bill entitled "An Act to prevent the introduction of paupers, idiots and Insane persons into the State."

H R. No. 269.
which was read the first time.

The rules were then on motion, suspended the Bill read a second time, and referred to the Committee on Judiciary.

Under a suspension of the rules for trial-purpose

Mr. Weir, by consent introduced a Bill entitled

"An Act to amend Section 4708 of Gantts Digest"

H. R. No. 276.
Which was read the first time.

The rules were then on motion, suspended,

the Bill read a second time and referred to the Committee on Judiciary.

Under a suspension of the rules for trial purpose

Mr. Wells, of Drew chairman of the Committee on Judiciary made the following report:

Mr. Speaker:

The Committee on Judiciary to whom was referred

H. R. No 57. & S. M. No. 37. an Act entitled

"An Act to encourage Sheep raising"

have had the same under consideration and herewith respectfully return it with the recommendation that it do pass.

The report of the Committee was received and adopted.

Mr. Wells, of Drew, Chairman of Judiciary Committee by consent, introduced a Bill entitled "An Act to protect and encourage Sheep raising in this State"

S H R. No 57.
Which was read first time.

The rules were then on motion, suspended
the Bill read a second time.

Mr McConnell moved to amend the Bill by striking out the word "male" wherever it occurs in the bill and insert- "dog" and also strike out the word "female" and insert- "bitch"
Which was not agreed to.

Mr Casey moved to amend the Bill as follows:

"Each head of a family shall keep one male or female dog free from tax as provided in this act"

Which was not agreed to

On motion of Mr Rice the bill was ordered Engrossed and made the special order of the day at 10 a.m. on Tuesday November 16" 1875.

On motion of Mr Hill, of Baltimore, Mr Speaker, Pennington was granted leave of absence until Monday Nov 15" 1875.

When at 12 o'clock and 45-minutes P.M. the House on motion of Mr Gardner adjourned.

J. N. Spalding
Clerk

A. A. Pennington
Speaker House Rep

Saturday Morning
November 13th 1875.

The House met pursuant to adjournment, and was called to order by Clk Reid jr 1st assist-clerk who called Mr Humphrey to the Chair:

The roll was called and the following named members answered to their names:

Anderson (Craighead)
Anderson (Howard)
Avera
Baker
Baird
Barrett
Boone
Bowie
Boykin
Bradford
Bragg
Bright
Browning
Burns
Casey
Cochran
Chaney
Cleveland
Cluck
Coleman
Collins
Copeland
Davis
Dodson (Newton)
Dodson (Randolph)
Drake
Durham
Dowell
Flippin
Foster

Frazier
Fuller
Fulton
Gardner
Gillis
Green
Greig
Grissom
Hannah
Headlee
Hill (Cabarrus)
Hill (Jefferson)
Hoover
Humphrey
Jones
Judkins
Kerr
Little
Love
Martin
Mayfield
McConnell
McRae
Miller
Morgan
Moss (of Crawford)
Moore (of Union)
Moore (Woodruff)
Orr
Patton. Poe. Polk.

Powell
Pulliam
Rice
Robinson (Desha)
Robinson (Monroe)
Ruddle
Rumph
Russell
Sadler
Shinn
Slaughter.
Spangler
Taylor
Trimble
Venable
Wall
Mann. Weir.
Wells (Drew)
Wilkerson
Williams
Witt
Wolfe.

A quorum of the House present.

Prayer by Rev Mr Browning

The Speaker (Mr Humphrey in the Chair) announced the first business before the House to be the election of a Speaker pro-tem-pro-re, and.

Announced that nominations for Speaker pro-tem-pro-re were in order.

Mr McConnell nominated Mr Jackins.

Mr Casey nominated Mr Kerr.

Mr Ivers nominated Mr Slaughter.

Mr Moore, of Union nominated Mr Humphrey.

There being no further nominations the House proceeded to the vote.

The roll was called

Those members voting for Mr Humphrey were:

Anderson (Craighead)	Moore (Union)	Sadler
Burns	Orr	Shinn
Cleveland	Rice	Venable
Colvert,	Ruddle	Witt.

Those voting for Mr Slaughter were:

Anderson (Howard)
Baird
Booe
Boulton
Bradford
Bragg
Browning
Cochran
Davis
Dodson (Newton)
Drake
Foster
Frazier
Gardner
Headen
Humphrey
Doc
Polk
Pulliam
Robinson (Monroe)
Spangler.

Those members voting for Mr Dodson were:

Baird
Boston
Bright
Collins
Dodson (Randolph)
Durham
Fitzpin
Gillis
Hill (Calhoun)
Hill (Jefferson)
Hoover
Kerr
Little
McConnell
Morgan
Shinkle
Wall
Warm. Weir
Wells (Drew)
Wolf.

Those members voting for Mr Kerr were:

Casey
Coleman
Copeland
Dowell
Fuller
Fulton
Green
Grissom
Hannah
Jones
Judkins
Love.
Martin
Mayfield
McRae
Miller
Moore (Crawford)
Pulton
Powell
Robinson (Perry)
Rumph
Slaughter
Spangler
Williams.

The Speaker announced the result of the first ballot as follows:

Mr.	Humphrey received	12 votes
Mr.	Kerr "	24 "
Mr.	Slaughter "	21 "
Mr.	Jenkins "	21 "

Neither candidate having received a majority, the House then proceeded to a second ballot.

At his request the name of Mr. Humphrey was withdrawn

A message from the Senate by Thomas H. Newton Secretary.

Senate Chamber
November 12th 1875.

Mr. Speaker:

I am instructed by the Senate to inform your honorable body of the adoption by the Senate of

House Joint Resolution No. 31. entitled "A Joint resolution expressive of the sorrow caused by the death of Hon. L. M. Sharpe".

Also of the passage by the Senate of House Bill No 247. entitled "An Act changing the time of holding the Probate Court in Jackson county."

Also of the passage by the Senate of H. B. No 202. entitled "An Act to assess all the lands in the State heretofore donated to any rail-road or rail-road corporation where the title to such lands has passed from the Government of the United States"

And herewith respectfully returns the same for your consideration.

Thomas H. Newton
Secretary.

Also a further message from the Senate -

Senate Chamber
November 12" 1875 -

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of House Bill No. 215 entitled

"An Act to change the time of holding the courts in the several counties of the third Judicial Circuit of Arkansas."

with the following amendments thereto, to-wit:

By striking out the word "Sixth" where it occurs in the 7th line from the bottom of page 1, and insert the word "seventh".

Also strike out the word "Seventh" in the fifth line from bottom of same page and insert - the word "eighth"

Also strike out the word "ninth" in the 3d line from bottom and insert - the word "Tenth"

Also strike out the word "Eleventh" in bottom line and insert - the word "twelfth".

And herewith respectfully return the same for your consideration

Thomas D. Newton. Secretary -

A further message from the Senate -

Senate Chamber
November 12" 1875 -

Mr Speaker:

I am instructed by the Senate to inform your honorable body of the passage by the Senate of

Senate Bill No. 104 entitled "An Act to fix Salaries in this State"

Also of the passage by the Senate of -

Senate Bill No. 273. entitled

"An Act to prohibit the advertising of Lottery and Gift-Enterprise tickets and like devices"

and herewith respectfully submit the same for your consideration.

Thomas H. Newton

Secretary.

The House then proceeded to make the second ballot for Speaker pro-tem-pore.

Mr Jackins, Mr Kerr and Mr Slaughter, being in nomination.

With the following result:

(On motion of Mr Taylor Mr Russell was granted leave of absence until Monday next.)

Those members voting for Mr Jackins were:

Baird
Bright
Cleveland
Collins
Dodson (Randolph)
Durham
Flippin
Gillis
Hill (Calhoun)
Hill (Jefferson)
Hoover
Humphrey.
Kerr
Little
McConnell
Morgan
Sadler
Spangler
Trimble
Wall. Warn.
Weir
Wells (of Dinw)
Witt
Wolf.

Those members voting for Mr Kerr were:

Anderson (Craighead)
Barrett
Bostic
Brown
Casey
Chaney
Coleman
Copeland.

Dowd-
Fulton
Green
Grisson
Hannah
Jones
Judkins
Love
Martin
Maxwell
McRae
Miller
Moore of Crawford
Patton
Robinson of Desha
Rumph
Slaughter
Williams

Those members voting for Mr Slaughter were

Anderson of Howard-
Ayers
Baker
Boone
Boston
Bradford
Brewer
Berbering
Cochran
Cluck
Davis
Dodson of Hunton
Drake
Foster
Frazier
Fuller
Gardner
Hill of (Calhoun)
Moore of Union
Orr
Poe
Polk
Powell
Putman
Rice
Robinson of Monroe
Ruddle
Shinn
Spencer
Trundle

Mr Judkins received 25 votes
Mr Orr received 26 votes
Mr Slaughter received 30 votes

The result of the second Ballot was announced by the Speaker (Mr Humphrey in the chair and it appearing that neither Candidate had received a majority of the votes cast—

The Speaker announced that a third Ballot be had—

Mr Rice moved that on the next Ballot the candidate receiving the lowest number of votes be dropped

which was agreed to —

The House then proceed to the third ballot as follows —

Those Members voting for Mr Judkins were

Baird
Barrett
Bostic
Bright —
Cleveland
Coleman
Collins
Dodson & Randolph
Durham
Flippin
Gillis
Grisson
Hill of Calhoun
Hill of Jefferson
Howard
Humphrey
Little
McConnell
McRae — Morgan —
Powell
Slaughter
Spratley
Trible
Hall
Mann
Rice
Wells of Dinw
Flint
Wolf
Morgan (Crow.)

Those Members who voted for Mr Rice were

Anderson of Craighead
Burns
Casey
Chaney
Copeland
Dowell
Fuller
Fulton
Green
Hannah
Jones
Judkins
Love.
Martin
Maxwell
Miller
Moore of Crawford
Patton
Robinson of Pike
Rumph
Williams

Those Members voting for Mr Slaughter were —

Anderson of Howard
Ayres
Baker
Bee
Boston
Bradford
Brady
Brewington
Cochran
Colvocoresses
Davis
Dodson of Prince
Drake
Foster
Frazier
Gardner
Headley
Moore
Orr
Poe
Polk
Putnam
Rice
Robinson of Worcester
Randall
Shinn
Taylor
Venable
Wildberger

The Speaker (Mr Humphrey in the Chair) announced the result of the third ballot as follows —

Mr Judkins received 80 votes
" Orr " 20 votes
" Slaughter " 29 votes

Neither candidate having received a majority of the votes cast — The Speaker announced that the House proceed to a fourth ballot —

Mr Orr who had previous to the last ballot insisted on the withdrawal of his name, was dropped for the nomination under the operation of the motion of Mr. Bird —

The House then proceeded to the fourth ballot —

Those voting for Mr Judkins were —

Ayres
Baird
Barrett
Bostic

Bright
Casey
Cleveland
Coleman
Collins
Copeland
Dodson
Durham
Dowd
Flippin
Fuller
Gillis
Grissom
Hill (of Calhoun)
Hill " Jefferson
Hoover
Humphrey
Little
Love
Mayfield
McClannahan
McKee
Miller
Morgan
Moore of Lawrence
Patton
Powell
Robinson of Dekalb
Ruddle
Slaughter
Spangler
Trimble
Wall
Wann
Weir
Williams
Witt
Wolf

Those voting for the Slaughter here-

Anderson (of Craighead)
Anderson " Howard
Baker
Bone
Boston
Bradford
Bragg
Browning
Burns
Cochran
Cheaney
Cleveland
Davis
Dodson of Hunter
Dodson " Randolph
Drake
Foster
Frazier
Fulton
Gardner
Green
Hannah
Headden
Jones
Judkins
Martin
Moore of Lincoln
Norwood
Poe
Polk
Putman
Rice
Robinson of Dekalb
Ruddle
Shinn
Taylor
Venable
Wilderger

The Speaker then announced the following as the result of the fourth ballot-

Mr Judkins received 43 votes
" Slaughter received 37 votes

Mr Judkins having received a majority of all the votes cast - was declared duly and legally elected Speaker pro tempore of the House

On motion of Mr Bragg -
Mr. Gillis was granted leave of absence from to day - until Tuesday Evening next -

The Speaker pro tempore - Mr Judkins - then came forward and took & subscribed to the following oath of office administered by the Hon E. H. English - Chief justice of the Supreme Court of the State of Arkansas -

I solemnly swear that - I will support the Constitution of the United States - and the Constitution of the State of Arkansas - and faithfully discharge the duties of the office of Speaker pro tem of the House of Representatives of the General Assembly of the State of Arkansas on which I am about to enter

Sworn to & subscribed before me this 13th Jan 1875 — J. B. Judkins.

E H English
Chief Justice
Supreme Court of Arkansas -

The Journal of the preceding day was then read and approved -

Mr Collins gave notice that he would on Monday next move to reconsider the vote by the House by which House Report No 216 - "An Act -

in relation to swamp lands" was passed—

Under a suspension of the Rules for that purpose—

Mr Hilsbergen. By Consent— introduced a Bill entitled "An Act to amend an act for the incorporation organization and government of Municipal incorporations

M. R. 271-

Which was read the first time—

The Rules were then on motion suspended— the Bill read a second time and referred to the Committee on Elections—

Mr Slaughter Chairman of the Committee on Ways and Means made the following report—

Mr Speaker

The Committee on Ways & Means— to whom was referred S.B. No 253. An Act entitled "An Act to authorize the State Board of Finance to borrow money to pay the expenses of the State Government— and to pledge the bonds of the State as security— have had the same under consideration and beg leave respectfully return it, with the recommendation that it do pass without amendment,

W. G. Slaughter.

On Motion—

— of Mr Taylor—

The House resolved itself into the Committee of the Whole House for the further Consideration of the bill.

After some time spent thereon

The Speaker pro-tem resumed the Chair

The Committee rose at 11. O. clock and Mr Taylor. Chairman— made the following report—

Mr Speaker

The House acting as a Committee of the whole have had under consideration the Bill entitled "An Act to authorize the State Board of Finance to Borrow Money to pay the expenses of the State Government and to pledge the Bonds of the State as Security" being S. 13, No 253 and have instructed me to report the Bill back to the House and recommend its passage

all of which is respectfully submitted

Taylor
Chairman

The House

proceed to the consideration of S. 13, No 253, a Bill entitled "An Act to authorize the State Board of Finance to borrow money to pay the expenses of the State Government and to pledge the Bonds of the State as Security"

On motion of Mr Martin

The Bill was read a third time and placed on its final passage the question being put:

Shall the Bill pass?

It has decided in the affirmative

The Roll has called and the following named members voted in the affirmative:

Anderson (of Craighead)
Anderson " Monroe
Baker
Barrett
Bone
Bitter
Borton
Bradford
Brags
Bright
Brownings

Burns
Casey
Cochran
Chancy
Cleveland
Clucke
Coleman
Collins
Copeland
Davis
Dodson (Pendleton)

Dodson (Randolph)
Durham
Durrett
Felspaw
Foster
Fuquia
Fuller
Fulton
Gardner
Gillis
Green
Grisson
Hannah
Hill (Calhoun)
Hill (Jefferson)
Howard
Jones
Judkins
Kerr

Little
Low
Martin
Mayfield
Mc Connell
Mc Rae
Miller
Morgan
Moore (Crawford)
Moore (Lauderdale)
Moore (Marshall)
Orr
Patton
Poe
Polk
Putman
Rice
Robinson (Dallas)
Robinson (Perry)
Ruddle
Rumph
Shivers
Caufield
Spangler
Taylor
Thurmond
Vincable
Ware
Wann
Weir
Wells (Dren)
Wildburger
Williams
Witt
Wolf
Mr Speaker

Messrs Drake & Powe voted in the negative,

In the affirmative	77.
In the negative	2
Not voting	14
	95.

So the Bill was passed.

Mr Weir, Chairman of the Committee on Engrossed Bills, made the following Report:

Mr Speaker

Your Committee on Engrossed Bills have had under consideration H.R. No 235- An act entitled "An Act- To provide for the clothing, and other personal expenses of the pupils of the Industrial Institutions of this State" also an Act- To provide for the Cancellation and Reissue of outstanding School Warrants- and provide a uniform System of Registering and Re-issuing the same (House Report No 221) And find said Bills correctly engrossed

Respectfully submitted-

— N. H. Weir Chairman

The Report of the Committee —

— Was Received

The hour 10.30. having arrived the House took up the special order of the day: being the consideration of H.R. No 221 — a Bill entitled "An Act- To provide for the Cancellation and re-issue of outstanding School Warrants and provide a uniform System of registering and re-issuing the same

The Bill was read a third time and placed on its final passage,

The question being Shall the Bill pass?

It was decided in the affirmative-

The Roll was called and the following Members voted in the affirmative:

Avera	Boston
Baker	Bright-
Barrett	Burns
Bostic	Casey

Chaney
Collins
Davis
Dodson
Durham
Dowell
Klepper
Foster
Gregory
Hall
Hilton
Gardner
Gillis
Grisson
Hannah
Jones
Judkins
Kerr -
Little
Martin
Maynard
McRae
Miller
Moore (Union)
Orr
Patton
Poe

Polk
Powell
Putman
Rice
Robinson (Perry)
Robinson (Monroe)
Rumph
Shinn
Slaughter
Spangler
Trimble
Venable
Mann
Wells (Ouachita)
Williams
Wolf

Those Members voting in the negative were

Anderson (Craighead)
Anderson (Howard)
Bradford
Bragg - Benning
Cleek
Copeland
Dodson (Nevada)
Green
Mills (Calhoun)
Moore
Love
McConnell
Morgan
Robinson (Monroe)

In the affirmative 57
In the negative 15
Not voting 21
93

So the Bill was passed -

Under a suspension of the Rules for that purpose

Mr Slaughter Chairman of the Committee on Ways and Means - made the following report -!

Mr Speaker

The Committee on Ways and Means to whom was referred S.B. No 253 An Act entitled "An Act to amend the Revenue Laws - have had the same under Consideration and herewith respectfully return it with the Recommendation that it do pass

W. P. Slaughter
Chairman

The report of the Committee has adopted

On Motion of Mr Rice

The House resolved itself into the Committee of the Whole House for the further Consideration of the bill,

After some time spent - thereon

The Speaker protempore having resumed the Chair The Committee rose at 12,45 P.M. & thereafter and

Mr Bragg Chairman made the following report -!

Mr Speaker

The House acting as a Committee of the whole have had under consideration the Bill entitled "An Act to amend the Revenue Laws" being S.B. No 253 and have instructed me to report the bill back to the House and ask leave to sit again - All of which is respectfully submitted

Bragg Chairman

S.B. 253

The report of the Committee was received and adopted,

Then at 12.54. P.M. the House on motion of Mr Poe adjourned until 9. A.M. on Monday next-

J. B. Judkins
Speaker pro tem
House of Representatives

Thos Reid Jr
Clerk.

"

Monday Morning
November 15th 1875

The House met=
-pursuant to adjournment=

The Roll was called & the following named members answered to their names:

Anderson (of Craighead)	Collins	Hoover
Anderson (" Howard)	Copeland	Jones
Avra	Davis	Judson
Baird	Dodson (Hunton)	Kerr
Baker	Dodson (Randolph)	Little
Barrett	Drake	Love
Boone	Durham	Martin
Bostic	Dowell	Maynard
Boston	Gilespie	McClelland
Bradford	Foster	McConnell
Bragg	Frazier	McRae
Bright	Fuller	Miller
Burns	Fulton	Morgan
Casey	Gardner	Moore (Crawford)
Cochran	Green	Moore (Union)
Cheney	Grissom	Orr
Cleveland	Hannah	Patton
Cluck	Hundley	Poe
Coffey	Hill (Calhoun)	Polk
Coleman	Hill (Jefferson)	Powell

Putman
Rice
Robinson (9 Desha)
Robinson " Monroe)
Ruddle
Rumph
Russell
Sadler
Shinn
Slaughter
Sparkyler

Taylor
Trimble
Venable
Vaile
Mann
Veer
Wells 9 Drew
Wells " White
Wildberger
Williams
Witt
Wolf

A Quorum of the House present—

Prayer by the Hon Mr Gardner J Bradley

Journal of the proceeding day has Read & approved

On Motion of Mr Russell - leave of absence was granted to Mr Speaker Pennington for the day.

On Motion of Mr Russell, leave for the day was granted Mr Browning on account of sickness

On Motion of Mr McConnell - Mr Moore of Woodruff was granted leave for the day.

By unanimous consent - Mr Grayson introduced the following Memorial accompanied by a bill

State of Arkansas
County of Lonoke

To the Honorable -
- The General Assembly
of the State of Arkansas
Greeting

We your humble petitioners would respectfully Represent

That our fellow Citizen Thos P. Gilliam a promising young man of twenty one years while in the service of the state as a Soldier in the Baylis and Brooks Contest for the office of Governor was on the 14th of May 1874 dangerously wounded by a shot from a needle Gun passing through the left knee, from which wound he was confined to his bed for seven months under the treatment of two Physicians! Some three months of which time he suffered the most intense pain. Mr Gilliam was a volunteer soldier in the Baylis war; supporting Gov Baylis to the last hour, or until he was disabled by the shot received; volunteering in Capt Johns Dyes company of Infantry from Jacksonville Lonoke County Ark.

Thos P. Gilliam

has the comforter of his aged Grandmother Rebecca McCraw and his two little orphan Sisters, all of whom had to look to Thomas for sustainance, Thomas and his sisters are left orphans some years ago their Father and Mother died in this Vicinity leaving the three orphans to earn their living according to the divine command which they have most nobly done. But to day Thomas is unable to labor and his aged Grandmother & his two sisters who are minors; can no longer look to him for aid but now have to support Thomas.

We would therefore most humbly pray your Honorable Body to make a liberal appropriation for the benefit of Thomas; and that in addition thereto you make an appropriation for his Education; For which he your humble petitioners will in duty bound ever pray. This November 2nd 1875

— Names —

James M Stovall
C. B. Harris
Wm M. Powell
M S Styzer
N W Jackson
J M P Harbour
J H Wood
C. C. Woodlee
A Bartlett
Saml R. Chum
J. C. Tatum
N. R. Purce
Lee Wood
J. A. Wood
M. P. S. Boyd
J. B. McBride
J. C. Miller
S. A. Boyd.
E. Hodge
J. A. Taylor
G. G. Carson
T. M. Murrahines
J M Crutcher
R A Crutcher
B Faulkner
A M Bumpus
P. A. McHenry
Wm Woodfin
J. C. Hardcastle

John Byers
H J Bradford
A P Lancaster
Wm Nichols
Jno M Hancock
Jno L Pickens
M J McHenry
R M Williford
J. C. Boyd
James Merritt
James Doe
M. C. Satterwhite
M M Blackwood
J. C. Beall
G. M. Misenline
J S Davenport
C. M. Shumberry
M. H. Hull

R M Bishille

3 14

State of Arkansas
County of Lonoke

Memorial to —
— The General Assembly —
of the State of Arkansas —
for the relief of Thomas P Gillin
private of Capt. John P Dyer's Company
of Arkansas State Guards from Jackson
-ville Lonoke County Arkansas,

To the Honorable the Senate and
House of Representatives of the —

State of Arkansas in Genal Assembly:

Your memorialists the officers and privates of Capt- Dyes Company of Arkansas State Guards respectfully represent- that while on active duty in the City of Little Rock in defense of the State on the fourteenth day of May A. D. 1874 Thomas P Gillins a worthy private in said Company while bravely doing his duty as a Soldier, received a shot- from the Enemy (Brooks' Command) in the left- leg which has entirely disabled him- That- he is unable to make his support- by manual labor and that- his aged Grandmother and his two orphaned Sisters are dependent- upon him for their support-

Therefore we humbly petition your Honorable Body to make an appropriation for the Education and support, and for such other relief as in your Judgement- you may think right- and proper, and the necessities of his case may require,

And in duty- bound we will ever pray

— Nov 5-th 1875-

John P Dye Capt-
I. J. Walker 1st- Lieut-
E Hodge 2nd Lieut-

Austin Bartlett
S. M. Missenheimer
W. M. McClair
W. R. Jackson
Wm M. Blendon
M. M. Brown
B J Beall
J M Belfour
Thos. Elect-
S. B. Darby
J J Darby
M M Downen
Wm Eldred
R E Gray
Mc M Gray
Lee Mandeastle
D H Jordan
R L Jackson
J H Jackson
James Mullins
Dodson Moore
R. A. Orr
R Palmer
Joseph Palmer,

G. W. Richards.
H M Rawleton
Loran J Ratliffe
Peter St-Clair
R. D. Smith
James Smith
J. M. Woods
Joseph Woods
Lee. Woods
M. R. Wilson
J H Wilson
I. G. Williams
F. E. Yarbon

Mr Brazier by unanimous consent introduced H. R. No 273. An Act entitled "An Act for the relief of Thos. P. Gillam"

Which was read the first time
The rules was then suspended
The Bill was then read a second time and refred to the Committee on —
Ways and Means.

On Motion of Mr Barrett — The Rules was suspended for one hour for the purpose of introduction of Bill Reports Motions. and Resolutions,

A Message from the Senate by —
Mr Thomas M Newton secretary

Senate Chamber
November 13" 1875-

Mr Speaker

I am instructed by the Senate to inform your Honorable body of the appointment by the Senate of a Committee of three on the part of the Senate to confer with a Committee that may be appointed by the House to take into consideration the Memorial of the Senate of the "Ladies Benevolent Association" of Little Rock" The Committee on the part of the Senate consists of — Senators - Campbell - Loughborough & McCallum

Also of the appointment by the Senate of a Committee of three to act with a Committee of five from the House to determine the propriety of creating a new Judicial Circuit to be composed of the Counties of St Francis Lewis Bonnett, Calhoun, and Woodruff — The Committee on the part of the Senate consists of Senators — House Hicks and Whitehead,

Also of the appointment by the Senate of a Committee of three on the part of the Senate and to ask the appointment by your Honorable Body of a Committee of five as a Joint Committee of Conference to consider the amendment proposed in the Senate to House Bill No 219 entitled H.B. 219

"An Act Amendatory of the existing laws regulating the Sale of the Lands of the State"

The Committee on part of the Senate consists of Senators Warren Grey and Pindall

Respectfully
Thos. H. Newton
Secretary

Senate Chamber
November 13th 1875

Mr Speaker

I am instructed by the Senate to inform your Honorable Body of the passage by the Senate of Senate Bill 279 entitled

An Act to amend Section one of an Act entitled "An Act to be entitled "An Act to change the time for holding the Courts in the Sixth Judicial Circuit and for empowering and requiring the Judge of the Second Judicial Circuit, to hold a term of the Circuit Court in each of

the Counties of Clayton – Green and Craighead."

Also of the passage by the Senate of Senate Bill – No 261 entitled – An Act to authorize the Com – missioner of State Lands – to make Deeds in – Certain Cases"

S.B. 261

Also of the passage by the Senate of Senate Bill No 281 entitled

"A Bill for an act to be entitled An Act to repeal the 9th Chap Law of this state"

Also of the passage by the Senate of Senate Memorial No 11.

Memorializing Congress to make a Survey of the Upper Arkansas River"

Also of the passage by the Senate of House Bill No 232 entitled –

An Act – Changing the boundary line between Drew and Lelicot Counties"

Also of the passage by the Senate of House Bill No 230 entitled

"An Act – to include in Bradley County all of Two Certain Sections of Land – so that they may without a doubt be legally taxed therein"

Also of the passage by the Senate of House Bill No 154 entitled

"An Act – to define and establish the line between Prairie and Lonoke Counties."

Also of the rejection by the Senate of House Bill No 248 – entitled

"An Act – to prescribe the manner and time of electing Special County & Probate Judges"

Also of rejection by the Senate of

House Joint- memorial No 37 entitled—
—"A memorial to the Congress of the United States- asking that a Territorial Government be established for the Indian Territory"

All of which Senate Bills and Memorials are respectfully submitted for your consideration and the House Bills and Memorials are respectfully returned with the action of the Senate thereon

Thos H Benton
Secretary

On Motion of
Mr Barrett— the regular order of business was post-poned for one hour for the purpose of the introduction of Bills— Resolutions and Motions and the reception of Reports of Committees

Mr Barrett- Chairman of the Committee on the Centennial made the following Report-

Mr Speaker

The Joint- Committee to whom that- part- of the Governors message that- refers to the National Centennial exhibition to be held at- Philadelphia during the year 1876 was referred— beg leave to state they have had the same under consideration and have instructed me to report- the accompanying Bill to the House and recommend its— passage—

The Report- of the Committee was adopted,

On Motion of Mr Orr- the leave of absence heretofore granted Mr Norwood- was extended for ten days on account of sickness —

Mr Barrett Chairman Centennial Committee intro-duced H.R. 274 An act entitled "An act to provide for a proper representation of the State of Arkansas at the Centennial exhibition at Philadelphia A.D. 1876.

Which was read the first time.

The rules were then suspended.

The Bill was then read a second time and on motion of Mr Copeland

Was ordered to be considered in Committee of the whole House on to morrow at 10,30. A.M.

Mr Putman Chairman of the Committee on Public expenditures made the following report

Mr Speaker

The Committee on Public Expenditures to whom was refered S.B. No 109 An act entitled "An act to provide for the treatment of Insane persons of This State" have had the same under consideration and herewith respectfully return a substitute for the same and recomend its passage

Putman

Chairman,

The report of the Committee was adopted

On public expenditures

Mr Putman Chairman of the Committee by consent, introduced a Bill entitled "An Act to provide for the treatment of Insane persons of this State"

Which was read the first time { Sub for S.B. No 109 / H.R. No 275

The Rules, were then on motion, suspended — The Bill read a second time and agreed to the Committee of the whole House on Wednesday next at 10.15 A.M.

Mr McConnell by consent- introduced a Bill entitled "An act- to provide the means for the payment- of the Militia claims for property purchased and taken by the state during the years 1868- and 1869

H R No 276.

Which was read the first- time

The rules were then suspended on motion — The Bill read a second time and referred to the Committee on Ways and Means,

Mr Russell- Chairman of the Committee on Grumpler claim made the following report—

Mr Speaker

Select- Committee of seven to whom was referred H. M. No 40 a Memorial of J. H. Grumpler with accompanying vouchers — Have had same under consideration and by leave to report- that- they have carefully examined the vouchers presented with the Memorial and taken proof and statements, as to the correctness of the same, the Committee find that the same vouchers and proof have been before any other Committee or Board,

After carefully considering the claim of Mr Grumpler; and all the facts and circumstances connected with this case— the Committee are unanimous in the opinion that the amount- of $5,386 20 is a just- true and valid claim— against- the State and should be paid— and the Committee have prepared a bill which is respectfully submitted with this report- and earnestly recommend it- passage —

Alex Russell

Chairman

Report- of the Committee was adopted

Mr Russell Chairman of- Committee on the Grumpler Claim introduced H. R. No 277 — An Act- entitled "An Act- to provide for the payment- of certain obligations of the State to J H Grumpler —

Which was read the first time
The Rules
were then suspended
The Bill was then read a
second time and
On motion of Mr. Cleveland —
ordered that the bill be made special order
of the day for 10.30 a.m. in Committee of
the whole House on Wednesday next —

Mr Russell - Chairman Select Committee — made the
following report -
Mr Speaker
The Committee to
whom was refred H.R. 266 an act entitled —
"An act for the relief of William S. Davis of
Pulaski County — Have had the same under
consideration and beg leave to report that they
have carefully examined the accounts and
vouchers upon which the bill was drawn —
The Committee find that the vouchers of Mr
Davis — have never been submitted to any previous
Committee or Board - and they find the same
to be valid claim against the State and
they respectfully return said bill and Recc-
-mend its passage
Alex Russell
Chairman
The Report of the Committee —
— was adopted —

On motion of Mr Russell - the bill was ordered
to be made the special order of the day for
Thursday November the 18th at 10. o'clock A.M.

Mr Slaughter presented the following —
Memorial from the "Ladies Benevolent —
Association of Little Rock -

To the Honorable The Senate and House of Representatives of The Penal Assembly now in Session —

Your Memorialists the officers and members of the "Ladies Benevolent Association" to aid the destitute sick of the City of Little Rock respectfully represent —

That they organized themselves under the above named association in July last for the purpose of administering to the wants and necessities of the destitute sick.

That Rail Road transportation and many other circumstances have tended to increase the number of our unfortunate fellow beings who have fallen sick, not only in the City but in different parts of and beyond the limits of the State without means or friends to care for them, and who could not avail themselves of the laws as citizens of the State City or County as paupers.

Your Memorialists further represent that there have been since our organization over one hundred patients admitted to the Hospital established by us who have had all the attention, necessary medical aid, nursing, feeding and clothing that our limited means could warrant.

We further represent that the number of patients has averaged from 18 (eighteen) to (30) thirty in the Hospital ever since it was opened for the reception of the destitute sick.

And in addition to these, there have been many others taken care of outside of the Hospital. — Also in addition to the expenses incident to the care already mentioned — The Association has four stoves — The Hire of a Cook and Nurse — The purchase of fuel at considerable cost — every cent of which has been paid by the Contributions of the members of said Association and outside friends.

Your Memorialists further represent that they have been regularly incorporated by and under

the laws of the state by a decree of the Circuit Court sit and for the County of Pulaski - in the City of Little Rock with a Constitution and By Laws - all of which are properly licensed under the name and style of "The Ladies - Benevolent Association" to aid the destitute -

Now therefore we respectfully ask your honorable Bodies to donate out of the General Revenue fund of the State the sum of dollars! not to reimburse us for money already advanced by the friends & members of the Association, but to enable us to continue this humane institution: in the future Care for those now on hand - and others that are almost daily calling for relief. We ask this in the name of humanity - as well as justice to ourselves, as there is scarcely any part of the state that has not already had some unfortunate person cared for by us - since our organization, Particularly do we ask this favor at your hands at this time for the reason that other expenses must be incurred to meet the contingencies arising from the Cold Season! Blankets and other Comforts must be had - or the inmates suffer. If our request is granted - we respectfully ask that one half the sum be paid the first of January next - and the other half in quarterly installments and your memorialists will ever pray &c

Mrs M E Haynie President
A S Cruse Secretary
Mrs S.H. Haney Vice Pres't
Mrs J Williams Treasurer -

Mrs J. M. Loughborough
" Thos R. Welch
" R A Edgerton
" J M Martin
" W W Adams
" D D Gourley
" H C Collins
" A R Winfield
" Wm Davis
" Frank Gibson
" H. G. Gibson
" C Beckham
" H. L. Jenkins
" Apple
" Clifton Powell
" L M McClintock
" J M^c Clintock
" Mrs Vaughn
" M C McLemore
" Geo A Hughes
" R. L. Dotuel
" M S Brisbin
" Jno Brisbin
" G. M. Peay
Miss M. E. Garvey
Mrs S W Johnson
" M. J. Mayfield
" Irvin Reeder
" A. H. Garland
" H. C. Ratcliff
" D" Duell
" E J Block
" S. G. Edmonson
" Thos" Fletcher
" J J Clendenin
" S. E. Jordon
" M L Field
Miss Mattie Compton
Mrs Myra C Warren
" Jno S Edmonson
" Sophie J Harris

Mrs Mary A Harris
Mr R. E. Gunster
" Matt Reardon
Jno E. Reardon
S Pereira
" Leo Pollock
" P Altenheimer
D Altenheimer
A Altenheimer
M L Fitzgerald
M H Fields
Mrs L. Bugbee
L. C. Bunay
M. H. Roach
Geo. A. Hughes
M. H. Manly
Ed. Manly
Peter McDonald
E. C. Duell
R. H. Jennings
Gnadie R. Peay
J H Haney
" Conrad
Mrs Gill
" Smith
" Jones
" Parr
" McBride
" M H Winfield
" Whittemore
" Moore
" Gabine
" Carter
" Dickinson
" Block
" Stilwell
" M. E. Clendenin
" Slaughter
" C Peyton
— and many others —

To the Honorable Body-
~ The Senate - -
and House of Representatives
of the State of Arkansas,

We the undersigned Members of "The Ladies Benevolent- Association" and Citizens of Little Rock - Respectfully request the Consideration of the Members of the Senate and House of Representatives of the petition now before them- to make an appropriation to aid the sick and destitute -

Claiborne Watkins. M. D.

H. C. Woodruff Jr.	P. Boyle
H E Counts	G. C. Ramsey
J. A. Jones	L. H. Adams
Wm Wolfe	H. M. Hayden
J H Buchanan	J. J. Churchill
G Harris	Clay Rice
Wilson & Webb	A. G. Tucker
Jno Lafferty	A. J. Vanlandingham
H H Barrett	H M Taggart-
Chas. Lafferty & Co	P. A. Rhonds
C. M. Banks	J. L. Clay
J. J. Doyle -	H. Winthrop
S. M. Rieder	M. P. Herman
E. J. Doyle	P. H. Cannon
S. R. Cockrill	H. M. Hagan
J. K. Brodie	Wm Kirlen
S. M. Gunns	M H Balfour
P. O. Hooper	Gunns Jr.
J L McAlmont	J. B. Board.
Frank O Gibson	and
S. L. Griffith	C. J. Lincoln
C. J. Walker.	
Geo L Morrison	
Jr. G. A. Smith	
Jas. M Hunt-	

- On Motion -
Mr Collins -
- Ordered printed

Speaker Pro Tem

Ordered that ~~Mr Coffey~~ appoint a Committee of five to act in conjunction with a like Committee appointed by the Senate - To whom the Memorial shall be referred — Mr Collins asked that he be not placed on said Committee -

The Speaker - pro tempore - announced the following as said Committee on part of the House

Messrs -

- Moore — Dodson, of Randolph -
Sadler - Moore " Union, and Bright;

By Unanimous Consent - Mr Collins moved to re-consider the vote by which the House passed H. R. No 216 "An Act in relation to swamp Lands"

Which was adopted —

Then on Motion of Mr Collins

Ordered that the Clerk of the House be instructed to request of the Senate the return of said bill for the further consideration of the House.

On Motion of Mr Barrett -

The Regular Order of business was further postponed for half an hour to enable Chairmen of Committees to make their Reports -

Mr Barrett Chairman on Mining and Manufacturing made the following Report -

The Committee on Mining and Manufacturing to whom was referred H. R. No 114 An Act entitled "An Act to establish a Mining and Manufacturing and Agricultural Bureau - by leave to state - they have had same under Consideration and herewith respectfully return the same with a recommendation that it pass. with the following Amendments

to wit, In line three after word office — insert- "for the term of two years, provided that the first incumbent of the office may hold the office until the first day of January 1879. - and until his successor is elected and qualified; and strike out the following " by a tenure similar to that of other Civil officers of the State Government." and by striking out "three" in line five - and inserting in lieu the word "two" ____ Amend Sec-4 by striking out in line 2 - the words "two thousand" and inserting in lieu thereof twelve hundred, and strike out from the word "Commissioner" in line 4 - to word "and" in the fifth line Sec 6 by striking out in line seven the words "to visit" and insert- after accredited in 8" line the word "Emigration" and insert in the 9" line after the word New York - by and with the approval of the Governor " and striking out the remainder of the Section

Burrett
Chairman

The Report of the Committee -
- was adopted —

On Motion of Mr Kerr - The Amendments recommended by the Committee were —
adopted - and

On Motion of Mr Kerr -
The Bill was ordered engrossed and made the Special order for the day at 10. a. m. on Friday 19" of November 1875 -

Mr Mill of Calhoun Chairman of the Committee on Road & Highways made the following Report -

Mr Speaker

I am instructed by

a majority of the Joint Committee on Roads and Highways to report that they have had under consideration H. R. No 116 and S 13 No 122. and beg leave to report that they deem it inexpedient at the present session to recommend the passage of any bill upon the subject of Roads & Highways because it is a general desire to shorten the session as much as possible because the financial condition of the State is so unsatisfactory that they think it improper at this juncture to add to its indebtedness and finally because the present Road Law though defective in some points is beginning to be generally known and he hope under more favorable auspices will be more practically enforced they therefore recommend an indefinite postponement of both of said Bills

Miles of Calhoun
Chairman

The Report of the Committee was adopted

Under a suspension of the Rules for that purpose On motion of Mr. Mayfield The House passed to the consideration of S. B. No 251 a bill entitled "An act to authorize the funding of Auditors Warrants and Certificates"

The Bill was read a third time and placed on its final passage

The Question being put Shall the Bill pass?

It was decided in the affirmative

The Roll was called and the following named members voted in the affirmative—

Anderson of Craighead
Anderson " Howard

Avera
Baird
Baker
Barrett
Boon
Bostic
Boston
Bradford
Bragg
Bright
Bibins
Casey
Cochran
Chaney
Cleveland
Cluck
Coleman
Collins
Copeland
Davis
Dodson (Newton)
Dowd
Klippin
Foster
Frazier
Fuller
Fulton
Gardner
Green
Grisson
Hannah
Hendlee
Hill (Calhoun)
Hoover
Jones
Judkins
Little
Martin
Maynee
McClelland
McConnell
McRae
Mann
Miles (Drew)
Miles (of White)
Hildberger
Whitt
Wolf

Mann
Miller
Morgan
Moore (Camp
Moore (Union
Orr
Patton
Poe
Polk
Putman
Robinson (Dish
Robinson (Sumn
Rudale
Rumph
Russell
Saber
Shinn
Slaughter
Taylor
Trimble
Umsted
Mann
Miles (Drew)
Williams,

— None voting in the Negative —

In the Affirmative 77
In the Negative None
Not voting 16
— 93 —

— So the Bill was passed —

Mr Davis — Chairman of the Committee on Memorials made the following Report —

Mr Speaker —

The Committee on Memorials to whom was referred H. No. No 1 — Petition of Isaac Murphy asking, That he be paid 40 per cent addition on his Salary for Services as Govenor

for the years 1864 - 1865 and 1866 to place his salary on a gold basis — Report that they have had the same under consideration - and herewith respectfully represent that they cannot construe the joint Resolution passed March 18" 1867 - as having a intended to have retrospective action and therefore recommend the rejection of the Memorial

Davis
Chairman

The Report of the Committee was adopted

Mr Enable Chairman of the Committee on the Penitentiary made the following Report

Mr Speaker

The Committee on Penitentiary to whom was referred S. 13 - No 206 an Act entitled "An Act to enlarge the bounds of the Penitentiary Grounds - beg leave to state they have had same under Consideration - and herewith respectfully return same with a Recommendation that it do pass

All of which is respectfully Submitted

Enable - Chairman

The Report of the Committee -
was adopted -

The House passed to the Consideration S. 13. No 206 a Bill entitled "An Act - to extend the bounds of the Penetentiary Grounds -"

The Bill was read a third time and place on its final passage — The question being put - Shall the bill pass ? —

It was decided in the affirmative

The Roll was called and the following named members voted in —

— The Affirmative —

Anderson (Bradshead)	Gardner	Robinson (Desha	
Anderson (Howard)	Green	Robinson (Monroe	
Avera	Grissom	Rudd	
Baird	Hammack	Runyon	
Baker	Hill (Calhoun)	Russell	
Bolié	Hoover	Sadler	
Boslin	Jones	Shinn	
Bradford	Judkins	Spangler	
Bragg	Little	Taylor	
Burns	Low	Trimble	
Casey	Martin	Venable	
Cochran	Maxwell	Wann	
Chaney	McClelland	Weir	
Cleveland	McConnell	Wells (Drew	
Cluck	McRae	Wells (White	
Coleman	Miller	Wildanger	
Copeland	Morgan	Williams	
Davis	Moore (Crawford)	Witt	
Dodson (Hunton)	Moore (Union)	Wolfe	
Dodson (Randolph	Orr		
Drake	Patton		
Dowell	Poe		
Flippin	Polk		
Frazier	Powell		
Fuller	Putman		
Fulton	Rice		

None voting in the Negative

In the Affirmative	74
In the Negative	None
Not voting	19
	93

So the Bill was passed

Mr. Weir Chairman of the Committee on engrossed Bills made the following report

Mr Speaker

Your Committee

on

on engrossed Bills have had under consideration H. R. No 243- an Act-entitled "An Act-to fix the place of holding the Courts of Record for Clayton County and to change the name of said County and find said Bill correctly engrossed—

Respectfully Submitted
M H Weir
Chairman

The Report of the Committee was received.

The Speaker pro tempore- instructed the Clerk to read the following Communication from Judge Simon P Hughes Attorney General of the State of Arkansas-

Office of Atty Genl
Little Rock Ark
Nov- 15" 1875-

To The Senate
and House of Representatives-
of The General Assembly-
of The State of Arkansas-

I have the honor to report- that in pursuance of Senate Concurrent- resolution No 15- approved January 21st- 1875- I instituted a Suit- in the Pulaski Chancery Court- at the last- term thereof- to foreclose the Mortgage given to the State by the Memphis and Little Rock Rail Road Company- to secure the payment of the Note & interest- due thereon executed by said Company to the State for One hundred thousand dollars- bearing- date the 10" of January 1861- payable ten years after date- and carrying interest- payable semi-annually, at- the rate of six per Cent- per Annum from- date, Which- Service has been obtained by service of Summons, and by publication upon the defendants, being all the parties interest- and the unknown defendants, who is interested, and the Court thereupon

at the present term of the Pulaski Chancery Court now in session—

The hour of 11. 15. A.M. having arrived the House took up the special order of the day; being the consideration of H.B. No 267 A Bill entitled "An Act to amend Section 4890 of Gantts Digest—"

The Bill was read a third time and place on its final passage—

The question being pro-

Shall the Bill pass?

It was decided in the Affirmative—

The Roll was—

Called and the following named members voted in the Affirmative—

Anderson (Craighead)	Drake	McRae
Anderson (Howard)	Durham	Morgan
Avera	Flippin	Moore (Union)
Baird	Foster	Orr
Baker	Frazier	Patton
Barrett	Fuller	Poe
Bostic	Fulton	Polk
Boston	Gardner	Powell
Bradford	Green	Putman
Bright	Grisson	Rice
Burns	Hammock	Robinson (Desha
Casey	Hill (Calhoun)	Robinson (Monroe
Cochran	Hoover	Rudale
Chaney	Jones	Runyan
Cleveland	Judkins	Russell
Clark	Kerr	Saddler
Coleman	Little	Shinn
Collins	Low	Slaughter
Copeland	Martin	Spangler
Davis	Matheny	Taylor
Dodson (Newton)	McClelland	Tribble
Dudson (Randolph	McConnell	Tunstall

Mann Mills (Mrita) Mitt
Mier Mildburger Molf
Mills (Orm) Williams

— Mr Boe voted in the negative —

In the affirmative 76-
In the negative 1
Not-voting 17
98-

So the Bill was passed -

On motion of Mr Klippin

The House resolved itself into the Committee of the whole House for the Consideration of S.B. 255 - An act - to be entitled "An act - to amend the Revenue laws of the State approved March 5th 1875 -

After some time spent - therein - the Committee rose at 11.55 o.clock, and Mr Klippin Chairman made the following report -

Mr Speaker

The House according as a Committee of the whole - have had under consideration the Bill entitled "An act - to be entitled "An act - to amend the Revenue laws of the State approved March 5th 1875 — Being H.S.B. No 255 = and have instructed me to report the Bill back to the House and recommend its passage;

All of which is respectfully submitted

Klippin Chairman

Report of the Committee

— was adopted —

The House

Passed S.B. No 255 = a Bill entitled "An act - to be entitled An act - to amend the Revenue Laws of the —

State approved March 8th 1875

Mr Chaney moved to amend the Bill by striking out "8 mills" & inserting "3 mills"

Mr Herr moved to amend the amendment by striking out "3" and insert "4" in lieu thereof

Upon which motion —

Mr Herr called for the ayes and noes —

— The roll was called —

The Speaker pro tem pro announced the special order for this hour 11.30. a m —

On motion of Mr Rice — ordered that the special order of the day be postponed until the House had disposed of the Bill under consideration

The question recurring on the motion of Mr Herr to amend the amendment of — Mr Chaney

The roll was called and the following named members voted in the affirmative

Anderson (Craighead)	Miller
Baker	Moore (Crawford)
Barrett	Powell
Burns	Putman
Casey	Rice
Clack	Robinson (Monroe)
Green	Shinn
Herr	Slaughter
Love	Trimble
McClelland	Wann
McConnell	Wells (White)
McRae	Wolf

Those members voting in the negative

Anderson (Howard)
Avna
Baird
Boon
Boskè
Boston
Bradford
Briggs
Bright-
Cochran
Cleveland
Coleman
Copeland
Davis
Dodson (Fulton)
Dodson (Randolph)
Drake
Durham
Dunce
Flippin
Foster
Frazier
Fuller
Fulton
Gardner
Grissom
Hannah
Hill (Calhoun)
Hill (Johnson)
Hoover
Judkins
Little
Martin
Maynee
Morgan
Moore (Union)
Orr
Patton
Poe
Polk
Robinson (Oroke)
Ruddle
Rumph
Russell
Saddler
Shinn
Spangler
Taylor
Venable
Wall
Weir
Wells (Dunn)
Wildunger
Williams
Wirt

In the Affirmative 25-
In the Negative 57
Not- Voting 12
93-

So the Amendment to the Amendment was lost-

The Mover of Union sent up the following explanation of his vote on the amendment to the Amendment-

Mr Speaker—

In explanation of my vote permit me to say: that the late of taxation for the year 1874, was an acknowledged and satisfactory relief from the burdens of former taxation to the entire people of the State of Arkansas—and knowing such to be as all are bound to concede—that this bill does not increase that rate one iota—I shall cast my vote without fear of censure—censure or condemnation—

And further from the matter set forth in the Governors Message and the report of the Board of Finance—I recognize the fact that less than five mills tax is inadequate to defray the expenses of the State Government—Therefore as a lover of the State Government—and as one who desires to see her Credit restored at Home and abroad and her Character protected and elevated to a higher standard of Honesty and Probity—I am forced to say I cannot support the Amendement which proposes to strike out five and insert four mills—on the Contrary I vote no—

Moore of Union—

The question recurring on the Amendment of Mr Chaney to strike out "5 mills" and insert "3 mills"

The Amendment was not agreed to—

Mr McConnell moved to strike out the first section of the Bill—and presented the following petition in support of his motion—

Yes—

The undersigned Citizens of Fort Smith most earnestly urge & request on—

Representatives in the General Assembly to oppose the Raising of the Rates as recommended by the Revenue to one per cent, or to any other amendment—

— Got-Smith Nov 6th 1875—

S C Bryans—
D. S. Goss
J N Ferguson
S D Cunningham
P. H. Davis
Chas. Brackett Jr.
Jno Vaughn
R M Hamilton
Summis Ballinger
Aug Neandlin
L Adler
Meglin Cupe
Everson Benfield
Andrew Mundell
Wilson Dickson
B Bale
M S Maney
S Sikes
M H Seward
M A Whitman
Edward Garrett Hans
Mc G Brock
Talbert-Parker
Geo S Sparks
J. Jeff Cunningham
M M Mishbach
Frank Parks
J M Kennedy
B M Atkinson
M. H. Rogers

Geo Single
Wm Brown
Jno Dodson
Michael Callaghan
Jno Beard
Jno C Wheeler
Jno Berry
C M Bucquin
J Henry Carroll
James Clifford
Mc Stone & Co
P Berman
B F Ganaway
E H Dunaway
M Hebbling
D Shelton
Gullen & B. Rolsey
Jno H Rogers
M H Sanders
Joseph Francis
Dor Poppenheim
C R Dandle
J Strasburg
Jno Gardner
M. M. Burley
Ed. Burris
Wm Hardin
Jno D Berney
M S Morris

Then
An Motion of Mr Saddler—
The Bill was read a third time & placed on its final passage
The question being put—
Shall the Bill pass?—

Ayes were recorded in the affirmative

The following named, and the following named members voted in the affirmative

Anderson (Caldwell)
Anderson (Howard)
Avera
Baird
Baker
Booe
Boshe
Boston
Bradford
Bragg
Bright
Burns
Casey
Cochran
Cleveland
Coleman
Copeland
Davis
Dodson (Newton)
Dodson (Randolph)
Drake
Durham
Dowd
Gilliam
Gosler
Grayson
Gillespie
Gardner
Grissom
Hannah
Hill (Calhoun)
Hill " (Jefferson)
Moore
Jones
Jenkins
Little
Martin
Maynard
McRae
Miller
Morgan
Moore (Surry)
Moore (Union)
Patton
Poe
Polk
Robinson (Iredell)
Ruddle
Rumple
Russell
Saddler
Shinn
Slaughter
Sparger
Yaglin
Trimble
Ormsby
Wall
Weir
Wells (Dare)
Wildinger
Williams
Witt
Wolf

Those voting in the negative

— None —

Barrett
Chaney
Cluck
Green
Kerr
Love
McClelland
McConnell
Orr
Powell
Putman
Rice
Robinson (Monroe)
Mann
Wells
Wolf

In the Affirmative 65
In the Negative 15
Not Voting 18
93

So the Bill was passed

Mr McConnell sent up the following explanation of his vote

Mr Speaker

I supported the bill as passed last winter to reduce the taxes and the reduction deemed to meet the approbation of my Constituents and I dont propose to give my vote to raise the taxes - & therefore vote No —

Mr Monroe of Union - sent up the following explanation of his vote

The House then at 12.15 P.M. on motion of Mr Cleveland adjourned A. A. Pennington
~~A. A. Pennington~~
Speaker
House of Rep

C C Reed Jr
Clerk

Sunday Morning
November 16th 1875-

The House met pursuant to adjournment-

The Roll was called and the following named Members answered to their names-

Anderson (Craighead)
Anderson (Howard)
Avera
Baird
Baker
Barrett
Bove
Bostic
Boston
Bradford
Bragg
Bright-
Browning
Burns
Casey
Cochran
Chaney
Cleveland
Cluck
Coffee
Coleman
Collins
Copeland
Davis
Dodson (Fenton)
Dodson (Randolph)
Durham
Dowie
Elliffin
Foster
Frazier
Fuller
Fulton
Gardner
Green
Grissom
Hannah
Headlee
Hill (Calhoun)
Hill (Jefferson)
Howell
Jones
Judkins
Kerr-
Little
Love
Martin
Mayfield
McClelland
McConnell
McRae
Miller
Morgan
Moore (Camden)
Moore (Union)
Moore (Woodruff)
Patton
Poe
Polk
Powell
Putman
Rice
Robinson (Desha
Robinson (Monroe
Ruddle
Rumph
Russell
Sadler
Shinn
Slaughter-

(Crane)

Spangler Wann Williams
Taylor Weir Witt
Trimble Wells (Dem) Wolf
Venable Wildberger Mr. Speaker
Wall

— A quorum of the House present —

Prayer By the Chaplain

The Journal of the preceding day was then read and approved —

The following Communication was received from the Attorney General of the State — Judge Simon P. Hughes

Office Attorney General
State of Arkansas
Little Rock November 15th 1875 —

To the Senate
and House of Representatives of
the General Assembly
of the State of Arkansas

I have the honor to report — that under House Joint-resolution No 21 approved January 8th 1875 — in regard to the Swamp Lands donated by the State to the "Mississippi, Ouachita, and Red River Rail Road" I examined into the condition of said Road and found that it — consolidated on the 14th day of October 1873 with the "Little Rock and the New-Orleans Rail Road" and the two are now known as "The Texas - Mississippi River and Northwestern Rail Road Company" That only about 28 miles of said Road has ever been built, That — that part — prior to the date of the adoption of the above Resolution became unfit — for use and have ceased to be operated, The bridges across the streams thereon became unsafe — The Iron laid in places washed away; and that no part —

to repair the same had been made for a long time; —— That the terminies of said Road on the Mississippi River had been changed from Eunice to Lebicon City, a distance of thirteen (13) miles above Gaines Landing the Eastern terminus fixed in the charter for said Road; and that the said Company had not lived up to the Ends of its incorporation having long since abandoned the work of construction generally of the Road, —

That with a view to cause it to be forfeited the Charter of said Company and to have declared to be void, and annulled its corporate powers, and franchises, and the lands granted thereto by the State to same; proceedings were commenced by me in the name of the State at the last term of the Parkerke Circuit Court and service thereon had upon said Company —— Depositions have been taken in said cause upon the part of the Plaintiff and no answer has yet been filed by the Defendant and the Cause stands upon the Docket of said Court for the 29th inst

All of which is —

Respectfully Submitted

Simon P. Hughes

Attorney General

On Motion

of Mr Anderson of Howard

Mr Orr was granted leave of absence for six days on account of sickness

On Motion of Mr. Moore of Union leave of absence was granted Mr Gelli of White for Saturday & to day on account of sickness —

On Motion of Mr Humphrey he was excused from attendance on yesterday and —

granted leave for to day on account of sickness,

A message from the Senate by Col: Thos H Newton Secretary -

Senate Chamber
Nov 16th 1875 -

Mr Speaker

I am instructed by the Senate to inform your Honorable Body of the passage by the Senate of House Bill No 253 - entitled

"An Act to Create the General insurance laws of the State of Arkansas, and the Act amendatory thereof approved Feby 27th 1875 entitled An Act to establish an Insurance Bureau, and to abolish the office of Insurance Commissioner" - and herewith respectfully return the same

Thos H Newton
Secretary

Senate Chamber
Nov 16th 1875 -

Mr Speaker

I am instructed by the Senate to inform your Honorable Body of the passage by the Senate of Senate Bill No 269 - entitled

"An Act to make an appropriation to pay Evidence of a debt due from the State for the purchase of Cannon belonging to the State"

The same is herewith respectfully submitted for your consideration

Thos H Newton
Secretary

On Motion of Mr Martin by unanimous consent the House proceed to the consideration of S.B. 181 - a Bill entitled

"An Act to define the boundaries between Jefferson, Grant and Dorsey Counties"

The Bill has read a third time and placed on its final passage—

The question being put—

Shall the bill pass?

It has decided in the

Negative

The Roll has called and the following named members voted in the affirmative:

Anderson (Craighead)
Avra
Baker
Bragg
Browning
Casey
Chaney
Chuck
Davis
Klipping
Green
Hill (Calhoun)
Moore
Jeffkins
Mor
Little
Martin
McConnell
McRae
Morgan
Moore (Union
Powell
Rice
Robinson (Monroe)
Ruddle
Runyan
Russell
Slaughter
Taylor
Trimble
Wall
Wells (Drew)
Wildberger
Witt
Wolf
Mr Speaker

Those voting in the Negative here—

Anderson (Howard)
Baird
Boone
Boston
Bradford
Bright
Burns
Cochran
Cleveland
Coffee
Coleman
Copeland
Dodson (Benton)
Dodson (Randolph)
Drake
Dunham

Dowe
Foster
Frazier
Fuller
Fulton
Grisson
Hannah
Headlee
Hill (Jefferson)
Jones
Love
Maxwell
Miller
Moore (Crawford)
Munn (Woodruff)
Poe
Polk
Putnam
Robinson (Desha)
Shinn
Spangler
Venable
Wann
Williams

Affirmative 37
Negative 40
Absent-and not-voting 16
—93—

So the Bill was not passed,

The Speaker announced the following committee on part of the House to act with the Senate committee in regard to making a new judicial Circuit to be composed of portions of the present and second judicial Circuits,

Messrs
Dayton - Slaughter
Anderson (of Craighead)
Drake - of Copeland

The Speaker
Then announced the special order of the day H R 274 -

Mr Hill moved that the special order be postponed for thirty minutes for the purpose of introduction of Bills and making reports by Chairmen of standing Committees

Which was not agreed to

On Motion of Mr Hill - The House resolved itself into the Committee of the whole House for the further Consideration of the bill H R 274 An Act to provide for the proper representation of the State at the Centinial

exhibition at Philadelphia Pa- A.D. 1876."

After some time spent- thereon- The Speaker—
resumed the chair—

The Committee rose at- 11. 45= O. clock- and Mr. Kerr- Chairman- made the following report=

— Mr. Speaker

The House acting as a Committee of the Whole, have had under consideration the Bill entitled "An Act- to provide for a proper Representation of the State at- the Centennial exhibition at- Philadelphia. Pa- A.D. 1876. being H.R. No 274 and have instructed me to report- the Bill back to the House and recommend its passage-

H.R. 274

all of which is respectfully submitted

Kerr. Chairman

The report of the Committee was received and adopted

The hour of 10, 30. A.M. having arrived- The House took up the special order of the day- being the consideration of H R No 274 a Bill entitled "An Act- to provide for a proper representation of the State at- the Centennial exhibition at- Philadelphia Penna A.D. 1876—

The Bill was read a third time and placed on its final passage—

The question being put- Shall the bill pass?

It was decided in the affirmative—

The roll was called and the following named members voted in the affirmative—

Anderson (of Craighead)	Barnett
Anderson " Hempstead)	Booe
Avera	Borden
Baird	Bradford
Baker	Bragg

Bright-
Browning
Burns
Casey
Cochran
Cleveland
Cluck
Coffee
Colleman
Collins
Copeland
Davis
Dobson (Newton)
Drake
Durham
Dowd
Flippin
Foster
Frazier
Fuller
Fulton
Gardner
Green
Hannah
Hill (Jefferson)
Hoover
Jones
Kendrick
Kerr-
Little
Martin
Maxwell
McClelland
McConnell
McRae
Miller
Morgan
Moore (Crawford)
Moore (Union)
Moore (Woodruff)
Patton
Poe
Polk
Ponder
Putman
Rice
Robinson (Dusha)
Rumph
Russell
Saddler
Shinn
Slaughter
Spangler
Taylor
Thimble
Venable
Wall
Mann
Weir
Wells (Drew)
Wildberger
Williams
Witt
Mr. Speaker-

Those voting in the negative were—

Bostic Green Love
Chaney Hill Robinson (Monroe)
— and Wolfe —

Affirmative = 74 Negative-7—
absent and not voting-12 — 93.
— So the Bill was passed —

Mr Rice Chairman of the Committee on Enrolled Bills made the following report—

Mr Speaker

The Committee on Enrolled Bills to whom was referred H R No 210 An Act entitled "An Act to repeal Section 2783. of Chapter 37 of Pamphlet Digest—

Also H R No 160 entitled "An Act to Redistrict the State for Congressional purposes — have leave to report that carefully examining the same, find said Bills correctly enrolled,

Rice of Benton Chairman

The report of the Committee was received and entered on the Journal.

Under a suspension of the rules for that purpose—

By consent, Mr Trimble introduced a Bill entitled "An Act to afford to Edwin R McGuire — William M Lawrence and David S Bradley certain rights"

— H R. No 278.

Which was read the first time—

Mr Copeland moved that the bill be indefinitely postponed.

— Not agreed to—

The Rules were then on motion, suspended — The Bill read a — second time — Mr Dunham moved that the Bill and accompanying petitions be referred to the Committee on claims,

— Which was agreed to —

Mr Weir moved that the Rules be suspended for half an hour for the introduction of Bills—

— Which was not agreed to—

Mr Weir — Chairman of the Committee on—

Engrossed Bills made the following Report—

Mr Speaker

Your Committee on Engrossed Bills have had under Consideration H R No 57 An Act— entitled "An Act— to encourage Sheep Raising in— this State"— and find said Bill correctly engrossed —

Respectfully Submitted

H. H. Weir. Chairman

The Report of the Committee was recived,

The hour of— 11. A M. having arrived—the House took up the special order of the day— being the Consideration of— Substitute H. R. No 57— A Bill entitled "An Act— to encourage Sheep— Raising in this State"

Mr Anderson of Caldwell moved that the bill be so amended that Kenyhead County be exempted from the provisions of the Bill —

— Which was adopted —

Mr Bradley moved to amend the bill by exempting Clayton County from the provisions of the bill— as well as from the benefit— of it—

Mr Hill of Calhoun moved that the further Consideration of the bill be postponed until 12. M— to Morrow,

— Which was adopted —

Mr Weir— Chairman of the Committee on 3-11— Judicial Circuit— made the following report—

Mr Speaker—

The Joint— Committee on the 3rd Judicial Circuit— who were directed to inquire into the necessity of dividing said Circuit— and creating a new Circuit— have had the same under Consideration— and directed me to report to the House the accompanying

"Bill for An Act- to be entitled An Act- to create the twelfth Judicial Circuit-"

Mr Kerr

Chairman on the part- of the House

The report- of the committee adopted,

Under a suspension of the Rules for that purpose- Mr. Kerr- by consent- introduced a Bill entitled "An Act- to be entitled An Act- to create the twelfth Judicial Circuit-

H R No 279.

Which was read the first- time-

And referred

to the Committee on the Judiciary

Mr. Mills of Dade- by unanimous consent- made the following report-

Mr Speaker

H.R. 269. The Committee on Judiciary to whom was referred H.R. No 269 An Act- entitled "An Act- to prevent- the introduction of paupers- Idiots and Lunatics into this State- Have had the same under consideration and herewith respectfully return it- with the recommendation that it- do pass

Mills of Dade
Chairman of Judiciary Committee

The report- of the Committee was received and adopted,

On Motion of-
Mr Little- The House took up the H R No 269 a Bill entitled "An Act- to prevent- the introduction of paupers Idiots and Lunatics into this State"

The Bill was read a third time & placed on its final passage-

The question being asked- Shall the Bill pass?

It was decided in the affirmative

The roll was called and the following named members voted in the affirmative;

Anderson (Craighead)
Anderson (Howard)
Arms
Baird
Baker
Barrett
Bone
Bostic
Boston
Bradford
Bragg
Bright
Browning
Casey
Cochran
Chaney
Cleveland
Cluck
Coleman
Collins
Copeland
Davis
Drake
Dunham
Dunn
Flippin
Forbes
Frazier
Fuller
Fulton
Gardner
Green
Hannah
Headlee
Hill (Calhoun)
Hoover
Judkins
Kerr
Little
Love
Martin
Maxwell
McClelland
McConnell
McRae
Morgan
Moore (Crawford)
Moore (Union)
Moore (Woodruff)
Patton
Pace
Polk
Powell
Putman
Rice
Robinson (Desha)
Robinson (Miller)
Rudale
Rumph
Russell
Sadler
Shinn
Slaughter
Spradley
Taylor
Trimble
Tumble
Wall
Ware
White
Wills Dunn
Wildrick

Millican
Mitt
Wolf
and Mr Speaker

Same voting in the negative

In the affirmative 76
In the negative None
Absent or not voting 17
93

So the Bill was passed

Mr. Rice-Chairman of the Committee on Enrolled Bills submitted to the House the following report=

Mr Speaker-

The Bill of the House No 210- An Act- entitled An Act- to repeal Sections 2783- of Chapter 57- of Gantts Digest=

Also H.R. No 160 An Act- entitled an Act- to Redistrict- the State for Congressional purposes- by law to report- That the same having been signed by the proper officers on the 16" day of November 1875- delivered to his Excellency the Governor for his action thereon

J. A. Rice
Chairman

Mr Wells of Desha- Chairman of the Committee on Judiciary made the following report-!

Mr Speaker

The Committee on Judiciary to whom was referred H R- No 241- An Act- entitled "An Act- to prevent- the buying or selling Corn- Wheat- Rye Oats or Cotton within certain limits" have had same under consideration

and herewith respectfully returns it— with the recomendation that it do pass with the following amendments— Strike out the phrase "in leg quantities than fifteen bushels" and also in phrase— "in leg quantity than the amount usually packed in a bale"— all of which is respectfully Submitted

Wells of Drew
Chairman

Report of the Committee was adopted —

The question recurring on the adoption of the amendments recomended by the Committee — The Amendments were adopted —

And

On Motion of Mr Judkins— The Bill was ordered engrossed and made the special order of the day for Saturday Januaby 20th— 1872— at 11 o'clock A.M. of that day —

Under a Suspension of the Rules for that purpose —

— Mr Green by Consent— introduced a Bill entitled "An Act requiring the Assessor to take certain Statistics —

H R No 280 —

Which was read the first time —

On Motion Suspended— the Bill read a second time and upon to the Committee on Agriculture —

Under a Suspension of the Rules —

Mr Green presented a petition from the Citizens of Johnson County —

— That the Legislature upon Joint Ballot was asked to Johnson County should

the proposed bill be passed— That by the passage of the bill aside from regulating our rights an act of justice will be performed toward Johnson County now reduced to about 300 — square miles,— That in justice since ~~the Line~~ to Pope since after the change is made the will have about 726 square miles and Johnson 694—

Respectfully Submitted

W H Freeman
H M Utley
Wm Stephenson
L H Wright
B H Utley
Ed Fitzgerald
A. C. Acklin
J B Bittle
W P Jackson
Ed Penny
John Coffee
J G Miller
M L Moore
James Clark
W N Morris
W B Moore
L A Benker.

M. P. Johnson
Geo Simpson
B H Spicer
James Burnes
Wm Clements
Jno Horton
Thos. Stephenson
J. L. Utley
J. H. Horrell
C. L. Morrison
W L Brennen
Nimrod Clark
John Brown
W. M. Turner
David Parish
Jas. Parish
John Muffetteller

To The General Assembly—
of the State of Arkansas.

The undersigned Citizens of Pope County respectfully pray your Honorable Body for the passage of a bill at its adjourned session in November 1873 = defining and establishing the line between the Counties of Johnson & Pope ~~Ex. Elec~~ specting all former acts) as follows: Commencing in the Center of the channel of the Arkansas River at a point immediately South of where the line between ranges 22 & 21 on the

North side intersect it, running thence North and with said line to the intersection of the line between townships 8 & 9 thence East- on said line four miles to the Corner between Sections 34 & 35- thence North with the Section lines to the Corner between Secs 15 & 14 in Township 11- North Range 21 West- Thence East- with the subdivision lines of said Section 14 & 13- in said township to the line between Ranges- 21- & 20- Thence North with said Range line to the Newton County line, ——We represent- that the line as now defined is indefinite and uncertain

Ed. Reynolds
Newton Rogers
J. L. Dale
W. M. Ballad
W. W. Clumley
R H Dale
Abraham Hubbert-
Mat- Manley
R A Denning
J E Henderson
M Snider
J N Baker
W H Garner
James Y Rushing
D. C. Pelis.
Minnie Patterson
R. M. Taylor
D. D. Owens
L. N. Garner
P. Callahan
J. J. Jones
J. C. Estes
A Moore

Gill Moore
A. C. Burgess
W. C. Rye
W. P. Baker
W. M. Pye
M M Blijo
C. Martin
N G Pardin
Robt- Cate
J. B. Jobe.
W W Garner
John M- Seaton
C. Vaughn
Henry Daniels
G. C. Mullens
E J Moore
L Castle
James E Harper
J H Gibbens

Under a suspension of the Rules for that purpose, Mr Green

—— By Consent ——

introduced a Bill entitled "An Act- defining and establishing the line between Johnson and Pope Counties- H. B- 281.

Which was read the first-time —

The rules were then on motion, suspended, the Bill read a second time and referred to the Committee on County and County lines - together with the petitions accompanying the bill,

Under a suspension of the rules for that purpose Mr Slaughter - Chairman of the Committee on ways and means made the following report

Mr Speaker

The Committee of Ways & Means - to whom was referred the Bill of the House (H. R 263 - entitled An Act - to authorize the School District of Little Rock to fund its outstanding indebtedness, - report -

That - they have had the Bill under consideration - and recommend the following named amendments thereto viz:

1. In Section 2 - line 2 - strike out the words "Rate of six per centum per annum" and insert, in lieu thereof the words, "Discretion of the Board of Directors" - not - to exceed ten per cent - per annum

2 - Add to Section 5 - the words: The Bonds so purchased shall in the presence of the Board of Directors, and as soon as possible after the redemption of such bonds, be cancelled, by the Treasurer, and shall by him be delivered to the said Board, to be preserved among the papers thereof"

And your Committee return the bill to the House, with the recomendation that as thus amended it - shall pass,

H. P. Slaughter -
Chairman

The Report of the Committee was received and adopted—

On Motion of Mr Shew — the amendment offered by the Committee was adopted,

and On Motion of Mr Little — the Bill was ordered engrossed and made the special order of the day at 10-30 A.M. on Saturday next—

Shew

On Motion of Mr Headlee—

The House adjourned.

A. A. Pennington

~~A. A. Pennington~~,

Chas Mick J.C. Clerk.

Speaker House of Repr.

Supplement to the proceedings of November the 2nd 1875—

Accompanying documents to the Governors message omitted on that day——

Report—
— as to the —
Treatment of prisoners and General Conduct —
— of the —
Arkansas State Penitentiary.

Testimony before the State Board of Commissioners for the Leasing, Regulation and Management of the Arkansas State Penitentiary, in an investigation into the treatment of Prisoners, and General Conduct of said Penitentiary, by the present Lessee, J. Hand—

(Stenographic Report by James M Emery)—

Office of Board of Commissioners
for the
Management of State Penetentiary
Little Rock Oct 12th 1875=

The Board of Commissioners for the manage-
ment of the penetentiary, in the recent investi-
gation relative to that institution under
the control of Mr Gund — took the charges contained
in the "Evening Star" of the 2nd of Sept last as
the basis of inquiry to begin with — as upon
them the investigation was ordered on the demand
of Mr Gund —

While these charges were considered
in the nature of articles preferred against
Mr Gund, the Commissioners did not limit the
inquiry to them, but extended it to the entire
management of the Penetentiary, and the action
of the lessee in the control of that institu-
tion, from the thirteenth day of last March
the day on which the present State Officers
were installed, — Beyond this date the Com-
missioners did not think it proper for
them to extend the investigation,

Mr C. Sullivan the proprietor and Editor of the
Evening Star — was requested to appear and
testify — and to give the names of parties who
knew any thing of the matters to be examined
into, — He was not placed in the attitude
or position of Prosecutor, but as he had
published these charges, the Commissioners
naturally supposed he did so from his own
knowledge, & from information he procured
from others — Mr C. Sullivan appeared & stated
he knew nothing from his own knowledge, —
but he furnished the names of a number of
witnesses at will, Mr Gund — with his Counsel was
present also, and he asked for a number of pun-
ties to be sent for to testify, All that he and
Mr C. Sullivan asked for — and many more, were

summoned & sent for by the Board, Some of the witnesses sent for did not appear & the Board have no power to Compel their attendance, — Eleven-Twenty three (23) witnesses were sworn & examined, & more than two weeks consumed in taking the testimony — and the utmost latitude was given in asking questions of witnesses, The testimony was taken down by a Reporter & with the finding of the Board is to be made public — except the statement of Maj Mannington — which was an official Communication to the Department of Justice at Washington D.C. & which cannot be published without the Consent of that Department — and such Consent has not as yet been obtained, The Commissioners, have been unavoidably delayed in coming to a Conclusion & in having the same with the testimony published After a careful & patient consideration, & weighing of all the matter in proof, The Commissioners find

1st — The Charge that the food is insufficient & not of good quality is not sustained by the proof, Instances are shown when it was not sufficient & not of good quality but these are exceptional

Second — The same conclusion is reached as to the Clothing, and the testimony does not establish the fact — that for the want of a change of clothing the prisoners became filthy & lousy —

Third — The charge of unnecessary beating & the general ingredients of the Rules in general is not sustained; but cases of beating & whipping Contrary to the Rules & Regulations are shown and also cases of unusual & unwarrantable whipping & especially is this shown in the punishment of the Convict Carter — which is found to be cruel & inexcusable,

Fourth — The weight of testimony does not show the prisoners are over worked,

Fifth — Sickness when made known to the party in Authority — except the Convict Jones

Ladies, & much for the changes upon which the investigation was begun,

From the testimony concerning the Commissioners find the killing of Burgess - the escaped convict - on the 12th July last, was not only wrong - but inhuman - and it should receive the attention of the Grand Jury without delay -

The death of Smith the colored man said by some to have been brought about by ill usage is shown by the testimony of the Physician of the warden, & the finding of the Coroners Jury - to have been produced by different causes, escapes are shown to be too frequent, and there is great room of proper management in this yard,

Upon the testimony of the Chaplain, the Physician, the Warden and the Picktender last - of whom was accidentally on the yard with Mr Ward until some time last March - the general management of the Penitentiary - the police & sanitary condition &c - are as good as the building & grounds will admit of - The buildings are old & out of repair & are too small for the uses to which they are devoted - They are totally unfit for those purposes,

During the past Summer the Commissioners undertook to remedy these defects & advertised for bids to erect buildings - but receiving no bids to do the work - nothing in this line was done,

The Division System heretofore established by law, and under which the lease has a contract for a period of ten years from the 7th day of May 1873 - of working the prisoners outside the walls & away from the Penitentiary - has brought about many of the abuses & troubles shown to exist in the management of the Penitentiary - The increase of convicts for the past ten months has necessitated the putting of two in a cell in many instances - This of course is an evil greatly to be deprecated -

The present rules and regulations of the Penitentiary were established several years since, & now in force when the present lessee made his contract with the State already referred to—and the present Commissioners have recognized them as the appropriate

How far these rules & regulations can be changed to effect this Contract of the lessee the Commissioners are not satisfied—but trust they shall be changed in some important particulars and the entire system of managing the Penitentiary modified the Commissioners have no doubt—& they will present their matters to the Legislature in due time for action, & endeavor to have such laws passed as will prevent in future if not entirely at least in great part the mismanagement & abuse; & correct the evils now existing in the Conducting of the State Prison

The Commissioners have no power to punish for any offence or abuse found, under the Contract—they have the authority to cancel the lease for any willful violation of any of its provisions or the days Notice, The Commissioners have not found any such violation of the Contract—as would justify them in exercising it's Cancellation,

A. H. Garland —Lessee
B B Beaven —Secretary of State
D. P. Hughes, —Attorney General

Executive Chamber
State of Arkansas
Friday Sept—10th 1875—

S. Mund—Lessee of the Arkansas State Penitentiary—having expressed an inves—

investigation by the State Board of Commissioners for the Issuing Regulation & Discipline Penitentiary of certain Charges made in the Public Press - touching the Treatment of Prisoners - and general conduct of the Institution - The Board met at 9 o'clock A.M. of Friday Sept 10th 1875 - at the Executive Chamber to proceed with such investigation

Present - The Governor - The Secretary of State & The Attorney General - as also B. Mudd. Esq. The Said Board - Present The Hon W. M. Rose & by invitation of the Board - Dennis & Sullivan Esq - Editor of "The Evening Star" of Little Rock - The Journal in which said Charges had been published

The Journal - Witness Summoned Was S.R. Harrington Esq District-attorney of the United States for the Eastern District of Arkansas, & Witness Summoned at instance of the Board - for reasons assigned in the finding of the Board - The testimony of Maj Harrington is not at present published.

Testimony of the Rev S R Buchanan -

Rev S R Buchanan Was called as a Witness -

At the instance of Mr C. Sullivan the Witness Was examined without the requirement of an Oath -

The Governor - Mr Buchanan you are connected in some capacity with the Penitentiary of Little Rock?

Answer - I have been preaching there a year or two, & lately I have had a commission as the Chaplain, though a little circumspect I have not qualified yet - under the Commission

Q - You have been preaching there since the third of November last?

A— Yes sir nearly every Sabbath—perhaps three Sabbaths in the month—

Q— Do you visit the Penitentiary at any other times but upon the Sabbath?

A— not often sir—

Q— Will you please state Mr Buchanan in reference to what you have observed on the occasions of your visiting the Penitentiary and the management of the affairs there—the appearance of the Convicts—the appearance of the premises—all that you know respecting that subject—from what you see there in your visit?

—A— Well about the management of the Convicts—I know nothing about—except when I go there to preach—the men are promptly turned out—I know nothing about the discipline of the Penitentiary; except the prompt & despatch with which the bells are all opened & the men turned out— The appearance of the prisoners is always clean— In the Summer time I noticed them bare footed a good deal and they are clean shaved & with clean shirts— In the winter time I never looked definitely— So as to give testimony for or against— I know nothing about it— but I have noticed them generally with jackets & shoes on in winter— I have been in the Hospital a few times— The management there— I suppose do for as prisoners health is concerned— Can be made comfortable or made uncomfortable— My Ward has always arranged so that I could have every facility— So has made things favorable to my preaching there— beyond that I don't know that I know any thing about it.

—Q— What is the condition

of the Hall - in which you pack?

— A — Yes, it - is made clean - It - is used for the Dining Room - & sometimes they are glue in it -

Q — You pack in the Dining room do you — ?

A — Yes: Sir, it - is just - as clean a a Dining room could be made — The walls are black & smoky - I don't know how that came.

Q — You said you visited also the Hospital did you visit - any other department - of the Institution ?

A — I have been around to the cells occasionally.

Q — State what - their condition is - if you took any particular observation of that.

A — Well! I did not - make any special observation — It - looked to me like a gloomy place — a cell — It - was dark so that I could not - see - I didn't notice any offensive smell — as if the blankets had been aired — I was surprised then was no more of that than there was -

Q — Had you at - any time asked the Convicts the reference to the way they were disciplined and controlled there ?

A — In din, I - was die - I thought I was doing well to attend to my own business.

Q — From this appearance what - impression was made upon your mind as to their treatment - being good or bad from time to time that you saw them there ?

A — Well; Sometimes I would see men looking pale & sick as if they had come very - ; & sometimes in good health, I don't -

know what-was the occasion of their pulse-ing- I noticed frequently in the Winter Coughing- as if from cold taking- Yes- I never saw a Convict- I think- without clothing enough on for Comfort- while at work- unless it- was in extremely cold day

Q— Do you know any thing about- their being hurried upon the place?

— A— No sir; I dont- know any thing about- it-

The Governor— Mr. Secretary- Have you any question to ask?

The Secretary of State— No sir,

The Governor— Mr. Mayhew?

The Attorney General— No sir,

The Governor— Mr Hand; Are you your Attorney?

Mr Hand— No sir—

The Governor (to witness) I dont- know whether I dive do— but- I intended asking you if you ever made any examination of the Yard?

A— I dont- know any thing of the Yard— never was there when the ate—

Governor— Never was there when they ate?

— A— No sir,

Mr Rose— Do you know how many hours they worked in the day?—

A— No sir— I dont- know,

Q— Did you see any evidence of severe punishment-?

— A— No sir— I dont- think I ever saw any evidence of punishment any way except- the clogs put- on ankles,

Q— Clogs?

A— I suppose you call it- that I dont- know what- it- is,

Mr Hand— Shackles,

The Witness— Shackles,— Mr Rose— What—

kind of shackles were they?

A— I think Judge Rose— I have seen one or two men with an iron band about their necks— with an arm on each side I don't know how to describe a shackle— a collar about their neck— with a projection dip a eight inches long on each side— then about the ankle another of the same kind,

Q— On which Ankle?

A— I don't think I ever saw more than one on a man,

Q— Was it very common to see them?

A— Well I have seen I suppose at one time as many as half a dzen in the Penitentiary

Q— Were did that inflict any pain— or was it just an impediment in their motion?

A— I think in one instance I saw where the ankle was sore from it,

Q— Once but once?

A— That is all I remember— I mean by sore— I saw the ankle bleeding a little from the shackle.—

Q— Very much?

— A— No it was not a great— deal.—

Q— Did you ever see the provisions that were Cooked there before they were cooked?

A— No sir, I don't know any thing of the food at all,

Q— You speak of going into the Hospital was there much sickness there?

A— No sir— not more than four or five cases at the time,

Q— How did they spend their time on Sunday when you were there?

A— Johnson Hurd told me they spent the forenoon in washing &—

Morning— Once I had a previous appointment for preaching & then declined to be in the way— In the afternoon when I went there they were turned out of their cells— & I presume were turned back there when preaching was over,

Q— Speaking of the appearance of the Convicts— How they appear more than prisoners generally do in such places?

A— Quite Judge Rose I don't know much about such places— It is about the only Penitentiary I was ever in— I noticed some of the men looking rather pale & delicate as if from bad health— others stout & healthy,

Q— What was the general appearance of the Prisoners— pale & emaciated or in good health & condition?

— A— Well in the main they seemed to be in pretty good health sometimes I noticed a great deal of coughing after certain changes of weather as if they had taken Cold— in the winter,

Q— How long is it since you have been there Prisoners?

Witness— Since I was there?

Mr Rose— Yes Sir!

A— Last Sunday,

Q— What was their appearance there general — by? —

— A— Well! Sir— they seemed to be as they had appeared all Summer; I could not tell any particular difference—,

Q— Did you perceive in them any evidence of want of sufficient food, or clothes or needful treatment?

— A I don't know that I did Sir— There is no lack of clothing for this reason of the year— unless you say a man be provided is not clothed — Several of them are barefooted —

Q— Did you see any evidence of want of sufficient food in Witness' Family? Yes
— Q— Yes Sir, I ought to ask— See any evidence of Starvation?

A— I Don't know that I did Sir— I didn't see any things by which I could tell what they ate—

Mr. Rose— That is all I believe.

The Attorney General— How many generally attended your preaching Mr Buchanan?

— A— well, about three hundred— I just give a guess at the Congregation,

Q— pretty near all the persons?

A— Yes Sir, Or— I the last listening Congregation there is in the City— I said three hundred— the time has been when there were not three hundred I am speaking of the present time,

The Govnor— Mr O Sullivan— Do you wish to ask Mr Buchanan any thing?

Mr O Sullivan— No Sir,

The Govnor— That is all— If any thing occurs after you come back— We will trouble you again perhaps Mr Buchanan—

The Witness— I will be back on Monday night— or Tuesday Morning—

— Statement of Mr. O Sullivan—

The Govnor— We will— a subpoena for you— Mr O. Sullivan as a Witness— If you desire to testify— you will be examined now,

Mr O. Sullivan— I have not any testimony of my own— I have that of others whom I rely upon,

The Govnor— Have you the names of those parties?

Mr O. Sullivan— Yes Sir— I have some of them

names that I may give in evidence — All that I could. Give would be matter of opinion & not of perience of my own — probably you may summon to know — Yourself —

The Govern — Yes sir, I have told to summon the two or three officers of the Penitentiary — & he thinks make out his report, & as he has to be out of town — he could ask him any questions (in case there should be any further ones to be offered) after hearing his report,

Mr C Sullivan — I would like to have him summoned here,

The Govern — It shall be done — who else?

Mr C Sullivan proceeded to request summons for — Isaac Ashworth, Asa Bragg — Taylor — Peter McDonald and D H Woodward — adding that his memorandum was not complete — & that he should probably desire other witnesses, — The Board directed the summoning of the witnesses asked and of any others Mr C Sullivan might call for from time to time —

— Testimony of Mr A Barclay —

A Barclay being duly sworn in accordance with Law — testified as follows —

The Govern — Are you in any way connected as an Employee or agent — in the management of the Penitentiary?

Answer — I am employed by Col Grace the present Lessee —

Q — In what capacity are you employed there?

A — There my duties there are during the night — I have charge of the Books — & charge of the Safe —

Q — How long have you been in that employment?

A— I have been twenty three months the 7th of this month

Q- Are you about the Penitentiary grounds or the Enclosure any during the day time?

A- Yes Sir-

Q— Well, going back from this time as far as the 13th of November last— I will ask you first— if you know in reference to the time the Convicts leave the Penitentiary when they go out to work— the hour in the morning?

A- They have generally gone out in summer time— about— six o'clock—

Mr Ward— I can just as well state to you here— that he is at the— gate— from six in the evening to six in the morning

Governor— What is the fact?

Mr Ward— Yes Sir—

The Governor— (to witness) Is the rule different as to the time of their leaving in the winter from that of the Summer?

A Yes Sir— They leave later in the winter—

Q— At what hour?

A— At— was ordinarily six o'clock last winter —nearly seven o'clock—

Q— Do you know the hour in the Summer & the hour in the winter that they are returned from their work?

A— They have been getting in lately at about half past— six.

Q— You speak of "lately" as during the Summer?

—A— Yes Sir.

Mr Ward— This Summer?

The Governor— That is—

the time you speak of this going out— Where do they go to do this work—

A— Some go to the Brickyard as I understand:—Some go to the farm,

Q— What is the distance from the Penetentiary to the Brick yard?

A— Well: sir, it is more than I could say— I have not been there for eighteen months I dont recollect,

Q— You dont know the distance of the farm?

A— No sir—

Q At the time of their going out— it is when you are required to be at the gate?

A— yes sir,

Q— What is the appearance of them at that time?

A— Well: They seem to be all in very good humor & lively— They come down very quickly to the gate and take position in the Ranks—

Q— You are required to be there when they return?— Sometimes you are?

A— I am always there when they returns,

Q— Will state what this condition is when they return— How— Do they appear?

A— Well: when they come into the gate they generally make as good time as they can to the place where their buckets are— They don't seem to lay at all— or be fatigued,

Q— Have you had occasion to examine the food prepared for them?—

A— I have seen the victuals many a time

Q— Will state how in reference to that— First— as to bread, What sort of Bread is it—?

A— Well; I have been partaking of some of the Bread they have been eating— The Graham Bread and the Corn Bread,

Q— Well, what quality of Bread do you pronounce it— The Corn Bread?

A— Well; I consider it according to my own taste to be very good— I thought it was very healthy.

Q— State your opinion in regard to the meat;

A— Well: we partake of some of the meat—

Q— What do you pronounce that to be as to the quality?

A— I am content with it—

Q— Well: as to the quantity provided now; of bread & meat— for the prisoners— What have you to say of that Mr Barclay?

A— Well; I am not present at the time they take their meals— but I know they are generally taken in fifteen or twenty minutes— and the majority of them when they come down to assemble in the Yards, have generally a piece of meat and a piece of bread nibbling at it— or placing it in their Shirt bosom to eat at lunch— or to eat for lunch— some of the others throw it away— or waste it,

Q— In what condition are the grounds now— and the buildings in which they exist—

— A— Clean— perfectly clean— There are men there cleaning it up every day—

Q— What kind of cleaning do they do?

A— Well: they sweep the yards & halls, & they generally whitewash the halls once a month sometimes twice a month— also the Cells,

Q- In what-Condition are the Dining Room-Hospital-
all those places?

-A- perfectly clean- Certainly no bad odor
at-all- The air of the Hospital is not- always as pure
as that of the Room below- on account- of it's being always
full of sick men & of the close Room there which leaves
the odor heavy-

Q- What-proportion of the prisoners have
been sick?

A- I have never made any estimate-

Q- What-number of prisoners have been sick the present Summer?

A- I Can't-Say- I have never heard of any of them being seriously
sick- It-has generally been Local Complaints-

Q- Do you know how many are sick there now?

A- No sir- I do not;

Q- How are the Prisoners
you have seen in there- going out- & coming
back- generally clothed?

A- They appeared
to me to be well clothed for this kind of-
Weather-

Q- How is the Cold weather?

A- Well; for the Cold weather they have sufficient
clothing in my estimation to keep them perfectly warm,

Q- State to the Board now what-you know in Reference
to the whipping of Prisoners there-

A- I have never seen any whipping myself- nor
have I ever heard of any undue punishment,-
at-all,

Q- How many have you seen there
at-a time with Shackles on there?

A- I have seen ten or a Dozen I think-

Q- at-a time? — A- Yes sir —

Q- Have you observed any wounds or bruises in consequence of the wearing of the shackles?

A- No sir,

Q- No impressions made from them?

- A- None at-all, They generally when they have shackles put on them - tie them or sew ropes around their ankles and pull their breeches in still between the shackles and the rope - Those shackles are put-only upon men who have attempted to escape - or who have escaped & been recaptured,

Q- How many complaints have you heard upon coming from the Convicts - or any one else in reference to a deficiency of food?

A- I have heard a Complaint - from a Convict,

Q- Have you heard it-from any one else?

A- Well: I have heard outside people say they were not-being fed - but-they have talking from what others say - So I paid little attention to them,

Q- Have you heard complaints as to their clothing the quality + quantity?

A- Well: only from outside people - since the Star newspaper has been ventilating the subject -

Q- Have you heard any- either the Convicts - or from any who are in the habit-of going in- and visiting them?

A- No sir, —

Q- How long are the prisoners out - from the time they leave in the morning, to their return in the evening - How many hours? -

A- From the time they leave their cells - until they are back in the gate?

Q- Yes sir- take those five pieces.

A- Sure, I calculate it- is about- eleven hours & a half- sometimes less- according to the weather.

Q- Is that made to cover both summer and winter?

A- No- the hours are much less in the winter time- sometimes only eight- or nine hours in the winter time- and if the weather is friendly cold- they are out- some- out- at- all

Q- What- are the habits of the Physicians in coming there, does he come regularly?

A- Yes sir- I believe he is there every day-

The Governor- Mr Secretary- do you desire to ask any questions?

The Secretary of State- I believe not- sir,

The Governor- Mr Attorney General?

(to witness) You say the Convict are generally cleanly- in their appearance?

A- Yes sir,

Q- Have they Physicians- clothes to keep them clean?

A- yes sir,

Q- Have you visited the Hospital?

A- Oh yes sir- I have been in the Hospital several times,

Q- How is it- generally kept-?

A- It- appears to me to be kept- very clean,

Q- State- is what- you stated in regard to it-?

A- Yes sir,

Mr Ward- Mr Barclay keeps the Books and he can state to you the amount- of Beef- the Potatoes being every day- & the amount

Q Now that is used I presume - I don't know that he knows so much about the flour - when you know the amount - the men get a day - you can be pretty good judges yourselves,

Mr Rose — Please state Mr Barclay how many prisoners there are in the prison now,

A - Three hundred and twenty-three, to day,

Q. What amount of meat is obtained for them daily?

A - The average amount of meat coming in at present is about four hundred and thirty pounds,

Q — Four hundred and thirty?

A - Yes Sir — four hundred and thirty,

Q — The meat for last month?

A - Fourteen thousand and twenty seven pounds, for the month previous - fourteen thousand six hundred and a few pounds, I guess I can give you the items now,

Mr Hurd — You said there were how many prisoners?

A — Three hundred and twenty-three to day,

Q - How many of them are at the Coal Mines?

A - I believe thirty of them - perhaps more — (Mr Rose) and in the month of June there was fifteen thousand four hundred and three,

Mr Rose — Well - what vegetables are brought in?

A - Yes Sir there have been vegetables brought in several times during the summer I can't say how often - because I am not - there —

Q- You dont keep a record of them time?

A- No, Sir

Mr Hurd- Of those three hundred and twenty three prisoners- how many prisoners are at the Coal mines?

A- About thirty-

Mr Hurd. Then are thirty two,

The Witness- Thirty two- That leaves two hundred & ninety one.

Q- Do you know if the meal is bolted or unbolted?

A- It is bolted- I have never seen unbolted or unsifted meal- It is fine white meal.

Mr Hord,- Do you know the quantity of meal or flour per day?

A- I understand it is about Six hundred pounds- That is just depends upon what they use- Sometimes Wheat- Sometimes Corn meal-

Q- How is it Cooked?

A- It is cooked as well as you possibly can expect it- There is no- I have eaten some of it- and it tastes to me very nice & very fresh,

The Governor- What is your contract with Mr Hurd by the day-? You are employed there by him upon what terms?

A- I am receiving fifty dollars per month,

Q- For what time?

A- Col Hurd can close the contract any time he thinks proper-

The Attorney General- Do- the Beef furnished under contract-?

A- Yes sir,

Q- From whom?

A- Well the contract is now under the name of Bence & Co- but Martin O'King are the parties who supply it- & they bring it up here a day,

Q - Were we here in town?

A — Yes sir,

Q. How do you get stuff — Do you get it by Contract?

A — No sir; I believe. Round you into town and buy it — The corn we are getting from the farm now,

Q — What mode of punishment — Do they adopt in the prison? — Do they have any mode of punishment you know of?

A — They sometimes lock them in a cell and feed them on bread & water for a day or two, sometimes they use a strap — That is the only mode of punishment I know of, unless it is the Irons they put on the Leaders,

Mr. O'Sullivan — How else do they punish? They lock them in the cells — and what else?

A — They feed them on bread & water for a couple of days — That is as long as I have been there punished I believe,

Attorney General — Do you know of any whipping —?

A — No, I have never seen any whipping since I have been in the Penitentiary

Mr. O'Sullivan — Can I ask a question?

The Governor — Certainly,

Mr. O'Sullivan — You say you are always there when the prisoners come home at night?

A — always: — Well, there may be an exception once in a month or two,

Q — And always there when they leave in the morning?

A — Yes sir,

Q — They come out at five O, clock you say? —

A— Well: about-five- 21- Leaves Cater early morning.

Q. They are there in the morning at- dif any way?

A— yes sir,

Q- And then you go home?

A— yes sir,

Q— The usual length of time they work is eleven hours & a half?

—A— yes sir,

Q— They go at- five and come home after- is is eleven hours?

A— 21- takes usually three quarters of an hour to get- there from the farm sir— They don't- just- in actually ten hours labor,—

Mr Roe— How long from the farm do you say?

A— I believe about- a half an hour —

Mr O'Sullivan — Have you ever eaten with the Convicts?

A— Sir sir— I have never eaten with the Convicts— I have seen them —

Q— Now do you know they get- the same bread with you?

A— I have seen it- baked— and seen it taken from the same pile that theirs were being distributed from,

Q— You are always sure you get- exactly the same quality of Beef?

A— 21- comes from the same beef— that comes in the morning,

Q— There is a great- difference in the Beef?

A— The Butcher cuts us up all together,

Q— But- do you know they are the same?— Porter house steak and Chuck are quite different-?

A— Oh: There is no porter house steak,

Mr Hurd— Answer this— Is the Beef cut up— or are the whole quarters brought up?

A— The whole yeardies are knocked-up & I believe
that Rum gets most-down the Dame yeardies,

Wm. C. Williams. Did you never know of any body
being punished — did you never know of any pun-
-ishment-up-there?

A— Yes Sir,

Q— Did you never
hear any screams?

A— No Sir,

Q— Have you never
known of any body being whipped?

A— oh! yes. I
have heard of parties being whipped when they
have made a break & been recaptured — Of course
I have heard of their being punished,

Q— Have you heard of any whipping being done
the last-ten days?

A— Not-to my knowledge— No, I
don't-think I have,

Q— You are not-sure there was not-?
A— I am not-certain there was — or was not,

Q— Then any kind of punishment-might-go on without
your knowledge of it-?

A— No-if there was any extra-
-ordinary punishment-going on — I guess I would
hear of it-,

Q— You guess you would-but-you are
not-sure you would? —

— I am much obliged to
you Governor for the permission —

— The Governor-Not-
at-all— Any other questions Gentlemen?

— That-is all— Mr Barclay —

The Board adjourned to 9 Nine O'clock
A: M. of Saturday Sept- 11th

— " —

Saturday Sept- 11" 1875=

The Board met- pursuant- to adjournment-
Present- The Governor
The Secretary of State & The Attorney General- as were also-
Mr. Ward- Mr. Rose- and Mr. C. Sullivan-
— Testimony of Dr. J H Lemon-

J H Lemon M.D. a witness called at the suggestion of Mr. C. Sullivan- being duly sworn according to Law testifies as follows-

— The Governor- Doctor some days ago I called upon you for a report- & by way of exhibiting one- You have been kind enough to send me a report- which I have here- You can take it- & read it- to the Board- and if there are any changes you wish you to make or any thing to add- You can do so when the Board & parties can examine you as to the entire matter-

The witness read the following-

Report:— Little Rock Arkansas Sept- 4" 1875-
To His Excellency A H Garland Governor-
— The State of Arkansas

Sir— In compliance with your instructions given me on the third instant I have the honor to submit- below- the following statement regarding the Condition & Treatment- of the Convicts- confined in the Ark. State Penitentiary— In my last- upon- said date on June 1st- last- I mentioned the general condition of the department- viz= the general- but- I might- do well to refer to them again- more in detail—

The Prison is crowded to excess for the Confinement- of so large a number of prisoners, & much of the sickness- incident- Kinds of person- Disease generally- result from the Confinement- of more than one Convict- in a cell- or a large number of Convicts in a single room- but- withal the health of the Convicts- is remarkably good- Considering the crowded Condition of the

of the prison — The exceeding by warm Summer and great want of sufficient Ventilation The food furnished to the Convicts is sufficient in quantity & consists of the following — for breakfast, boiled beef — Coffee & bread. The Beef is generally poor — but is bought by the prison twice daily — Consequently is always fresh — The Coffee is only medium in quality — Milk is scarcely — The bread was made from unbolted flour — Gas light — a table & as good as could be desired for refreshment & good health — Within the past week — The Convicts have been furnished with Corn bread made of new Corn for dinner — The Beef & Bread is of the same quality as that furnished for breakfast — and they are also furnished with soup for dinner — made of Beef & thickened with vegetables & flour — For supper the Convicts are only allowed bread & water — which I deem insufficient for men who labor as hard as they do, The clothing Convicts — Jacket — pants and shirt — Jackets & pants are made of that style of goods as is generally furnished to Convicts throughout the United States — The shirts are made of cotton for Summer wear — & wool for winter, The cells are whitewashed about once each month — & thoroughly disinfected three times a week with Carbolic acid — Lime is also used as a disenfectant on the yard,

— I have stated above the facts that have been observed by me as the visiting physician — but it may not be out of place for me to refer to the general condition of the Convicts — I have been at the Penitentiary at all hours — both day & night and have seen the Convicts in all conditions and under all circumstances — and as far as I have observed — The Convicts are not furnished more than is

necessary to make them subservient to the regulations of the Institution — I have never seen any punished since my connection with the Institution though I have seen three or four cases who had the marks of the lash on them — I have observed any case that was killed or disabled as a result of a blow — The Convicts are marched to the kitchen yard or yards between 4. & 5. O. clock in the morning & are brought back between 6 & 6½ O clock in the evening — I think that they are worked for long for health-all of them — though perhaps labouring men that length of time to remaining employed in this case — the same food is furnished each convict — if he desires it they do not receive a Supplement-amount-it-if because they do not ask for it — Some of the Convicts are compelled to wear a bullet chain or iron around their ankles & those who are employed to do-are men of desperate character — & such precautions are necessary to prevent their escape — I have never known any bad result from wearing them — The Convicts are furnished with clean shirts once each week & are required to cleanse themselves thoroughly before putting them on — The Convicts are never worked when they are sick — when they are injured — they simply make known the fact that they desire to see the Physician & their wounds are at once placed upon the sick report — he brought before him and if sick-remain under his charge — until he report them back for duty — & it is true that the Convicts are not always cleanly in their persons-but it is not-the fault of the Lessee — in any advantage is afforded for cleanliness that could possibly be given under the circumstances, — The loss of sufficient room & ventilation strongly tending to oppose it — I would state just here

that there were several Convicts returned from the Acida Coal Mines last spring - Sickness for a time with Coughs & enlarged knee joints as a result - of inhaling a peculiar gas which is generated in the Mines - The knee joints Swelled & presence was the result - of crawling on all fours in shoving the Coal-cars -

As I understand it - the Ceiling of the Mines was sufficiently high for them to stand erect - & they had to shove the Cars - & crawl on their knees in order to do so - which I suppose would be the case with any one working there - There was one Man who died as the result of disease contracted while engaged in extracting Coal the remainder of them made good recoveries - It may be that I have omitted something of importance in the above report - but it is as explicit - as the limited time allowed me would permit - If there is any thing further that his Excellency desires to know - it - will give me pleasure to answer any questions or give any information in my power,

Very respectfully

Your obedient Servant

James H Lemon

"Physician to Ark. State Penitentiary"

The Court - Dr. - in your attendance from time to time at the prison - state the condition generally of the department there - The dining room & Hospital -

Mr. Mays - Well: what do you mean - as to the cleanliness & depth?

A - Yes sir - The comfort & depth - what condition they are kept in -

A - Well the dining room is cleaned frequently - The tables & floor

all look cleanly — I have been frequently in the Dining room — The Hospital is kept as cleanly as could be under the circumstances — It is on the Second floor & there is no ventilation to it at all — It is too small — The discussions of the Hospital are stated in the former report that I gave you — It is too small & not sufficiently high & for the air that comes over the walls — There is no draught that passes through there at all — but — Considering the crowded condition of the place & the number of sick confined there — I think what with the precautions observed — The disinfectants used &c — it could not be kept any cleaner than it is —

Q — Have complaints been made to you by the Convicts you have attended there — in reference to their food — & their treatment generally? Of course I suppose you have nothing to do with any of the convicts unless they are sick,

A — No sir —

Q — Will state what statement they have made to you in reference to their treatment & the provisions furnished,

A — Since the hours visiting is between nine o clock in the morning — sometimes however I am unable to get there before evening — The sick list is furnished by the Hospital Steward — My outside patients go out side & are seen in the Hall — Those include those whom I do not consider sufficiently ill to be admitted to the Hospital, I go to the Hospital & examine my patients — there — Q There is any new treatment — a prescription necessary — I give it — to them & instruct the Steward how to administer it — The out-door patients I go & see down below — & which

enough to be admitted to the Hospital — I endorse them ——— They have never made any complaint of the Diet directly & I have a case of diarrhea or Dysentery — I make note that the patient must have bread — & when in our Hospital diet — that is to say rice or vegetables — Beef — soup — meat & better quality than furnished the generality of the Convicts, We is furnished light bread & Coffee — & drinkings We is given to

Q — And you state they have made no complaint to you of their provisions?

A — They have frequently said — "Doctor — I would like to have light-bread" — or — "I can't eat the corn bread they give me" or — "I want something — and then I order the best — I can get — inside the Institution"

Q — When ordered, do they get it?

A — Yes Sir, —

Q — Have any other complaints been made — except this reference to their provisions?

A — No other complaints have been made to me by any Convicts,

Q — You reaffirm your report as given — that you have read —

A — Yes Sir — I endorse that — any thing I have read —

The Court — Mr Hughes do you desire to ask any questions?

The Attorney General — Yes have the Physician been there ever since July 1873.

A — Yes Sir, I was appointed Physician on the 1st & 2nd July 1874 — & have been there little over a year now,

Q— Have you ever heard any patients die from punishment—or whipping?

A— Yes sir— I have never seen (as stated in my report) men disabled from punishment— I have seen three little marks on their backs— I Think it necessary as I have said— in order to make them subscribe to the Rules to punish them in a certain extent— but I have never seen a man disabled from punishment— or killed from a blow— My report states—

Q— Did you know of any cruel or unusual punishment—?—

A— I know of nothing more than I have stated— I believe it— is customary to punish them with a strap— to cause them down & strap— them

Q— you have never seen them punished in that way?

A— Yes sir have never seen them— but know they are punished—

Q— Have you ever known any derision or permanent physical evil from that punishment?

A— No sir—

The Attorney General— I have nothing further,

The Court— The Secretary— Have you any thing further?

The Secretary of State— No sir—

The Court— Judge Rose Have you any thing to ask?

Mr Rose (to witness) Doctor do you know that frequently food is taken from the house of Mr Ward— where the convicts are sick— little delicacies?

A— Yes sir sometimes sent— one— little delicacies— when a man is sick and Ward knows of it—

frequently they send our little delicacies Chicken soup — they frequently kill a pigeon & send it in soup — Tea — a little punch — or something of this kind — frequently these delicacies are sent over by Mrs Maud —

Q — Did you observe Doctor any Luck Good for the prisoners — Does it seem sufficient — in quantity?

A — I think it seems sufficient — in quantity — during the Summer they have been furnished with Vegetables, but I think if the food were changed oftener — it would be to the interest — of the Contractors — the food would be more nourishing to the Convicts generally — They have had Vegetables such as potatoes for two months about — They had Irish potatoes & Onions occasionally If the Beef was changed for pork or Mutton occasionally it would be better — They are fed on Beef for some time & if they changed about to Bacon or to pork — it would be better,

Q — What I spoke of Sir — was the quantity, —

A — I think they have sufficient in quantity I am willing to assert that — I do not think there has ever been a man Starved in the prison I think in fact — as far as my knowledge goes — & I have observed closely — being the attending Physician there — & it being my duty to observe these things — I think there has never been a Man who has complained of not having enough, They eat at the usual time there I know I could eat in one day — If they want more they ask for it — & they certainly get it — They get enough in quantity, or as much as they desire,

Q — Can the Prisoners proper to get out to work — Eat their Rations in their Cells?

A— Yes sir. There are about one Hundred & twenty five cells in the prison— & there have been three hundred & odd Convicts confined— Of course some of them sleep in large rooms— There is one room with forty three men in it— The rooms are as my hospital are very much crowded— The atmosphere is close— close down to the walls & no— draught— a ventilation whatever, They prefer to put out to work to sleeping one or two in a cell— or a large number in the room— There are bathing doors,

Q— Dr. Have you been in other prisons & the same time—

A— yes sir.

Q— How do the prisoners in this Penitentiary compare in health & appearance with those of similar prisons where you have visited?

A— I have been in Frankfort Kentucky prison The Cells are made better mine— five by seven or eight— feet— & ten— They are two feet larger than those cells we have in this prison

Q— I refer to the comparative appearance of the prisoners— whether those confined here look more emaciated or in more health than in other prisons,

A— In deed— I don't think they do— I think they compare very favorably with prisoners generally— I think the health remarkable we have in that institution— taking into consideration the obstacles & the fact that we are laboring under—

Q— Who furnishes you with Medicines for the prisoners?

A— The lessee,

Q— Well: do they get all the Medicine that is required in practice there?

A— Yes sir— He has filled my requisitions every time— The

The requisition that I have made on-

Q— Q I understand you to state that the principal defect in this prison is the manner of its construction-

A— Yes sir, It is very improperly Constructed for a prison— Those cells are small even for one man— There is no ventilation & the prison has not the conveniences & comforts of the prisoners generally now— Most of them are made on more modern designs than this one and it has a great many inconveniences The Hospital provision is very unprepared indeed— The Hospital has not ventilation and while on the second floor & sick the same arrangements= This cannot be remedied at all— It should be on the third floor so that the air can circulate freely from one the walls,

Q— What is needed then now— is a new prison rather than a new house?

A—

I think in justice to Mr Ward— that I as a visiting Physician there— should say That I believe he is doing every thing in his power to cure for those men properly, Considering the inconveniences that he has to deal with— I must believe any one else would do[illegible] he is doing taking into Consideration the Condition— with the exception that I have named— viz— That the diet might be changed more frequently & the other little remarks that I have made under that subject=

Q— Did you ever make a suggestion to Mr Ward that the diet ought to be changed more frequently?

A— Yes sir I have frequently mentioned to him the

the subject of Vegetables & a change of Food, & I told him to change the meat-ground one time & another Inspect- I told him to change the Diet- I have asked him to,

Q.— Can say they have had Vegetables through the Summer?

A- Yes sir- They have had potatoes, Onions, & Turnips & Coffee at different times,

Q— When you have asked him to change the diet- is- has he done?

A- Yes sir I think it- Two months ago- I mentioned I was going to have an Epidemic of Diarrhea or Cholera not- an Epidemic like- Some very obstinate cases of Diarrhea & probably some Cholera- Judging from the discharges from the Men's bowels & so forth I apprehended Cholera at- one time- He changed the Diet- from Corn Bread to flour bread, to light- bread in other words & so- then potatoes & Irish potatoes- & that Diarrhea all ceased. There has not- one death from a Case of it- Nor has there been a death from Dysentery this Summer in the Ark? State Penetentiary.

Q— Is it- not- Do the effect- of low & insufficient- food- that the prisoners. are effected with the Diarrhea & Dysentery?

A— That- predisposes to those diseases that- & close Confinement- in cells all and I infer to produce those diseases- but- also a great- many others which might- be mentioned-

Q— Would you not- be able to tell from the Character of the discharges whether the food was insufficient- & of low quality?

Witness Sir— Indeed I not- be able to tell from the character of the discharges whether the food was insufficient-

and of bad quality? You say would I not be able to tell?

Mr Rose — Yes Sir —

— Witness — State your question again if you please.

Q — Would you not be able to tell from the Character of the diseases occuring there — whether there was sufficient food & in good quality?

A — Yes Sir, but you could not say whether the food might have been produced there or whether it might be the want of sufficient & proper nutriment I notice a remarkable change or a marked change in the health of the Convicts there, I look them closely for the cause — and whatever the cause is I see there it act in that direction — If I think it is the food I endeavor to get the food changed — and if I think it is any thing else that can be remedied I always try to remedy it,

Mr Pinion — Do Dr Sullivan visit you to-regulate the doctor?

A — I will ask him one question — Doctor who attends to the United States Convicts up there?

A — I attended to them up to the 15th of August,

Q — You have not since?

A — No Sir — I have not since —

Q — Do you know of any Physician — Regular practising physician — attending to them?

A — No Sir I do not —

Q — How do you know Doctor that the

Men of desperate character that you spoke of more
any more than the other convicts? What do you un-
derstand by a man of desperate character?

Kinney— What do I understand by that?

Mr O'Sullivan — Yes sir —

A— I mean a man that would take any advan-
tage that he got to make his escape or would
devise any means of making his escape or
sacrifice any thing in order to get away —

Q— Are you confident — Sir that those are the only parties
punished?

A — No sir, My report says only that men
wearing the ball & chain or irons around
their ankles are men of desperate character —
I don't know — My intercourse or association
with those men of course is not sufficient —
to found out their general character —

Q— Do you know of their having made an
attempt to escape — or attempting any des-
perate & threat — upon having Balls & Chains?

A — I know of several instances where men
were more than irons or shackles around
their ankles until they made an attempt
to escape or to disarm the Guard or to
commit some offence — I do not say any
of them — because I do not know, but — I
suppose every one of those that have those
shackles or irons — have done something
to make the Guard punish him for
that are usual men I mean persons etc
as having worn the shackles & I know
the cause of this being put upon them

Q — Have you ever heard of any case — of any
one being suspected there Doctor?

A— I have stated in my report that I have known of many cases & have seen the marks,

Q— Have you ever heard of the offences for which any of them were whipped?

A— Yes Sir— Col Hurd do you know the name of the man that made his escape over the walls & caught after & was brought back?

Mr Hurd— Yes Sir— Denham, Drohan has also escaped—

Witness— The man made his escape over the wall & came around to the entrance of the Prison & attempted to disarm the Sute Keeper— I did not see it— I just heard that there were the circumstances & heard that he was whipped— That is one example of how they punish & what they punish for— Then another instance I know of is of a man— who stole meat & threw it over the walls every day & they could not find out for a week or so who he was.

Q— Did you ever hear of any body living whipped for not working— for not performing a certain amount of labor?

A— I know they are required to get out a certain amount of Coal at the Anita Coal Mines & I have heard them say they have them do much to get out & sometimes they whipped them if they did not get out their allowance of Coal—

Q— Did you ever say that if such a man as another man should be punished as severely as probably he ought his death the first time you would make a report of it that would reflect upon a man

for the management of the Penitentiary?

A — I don't remember of making that remark.

Q — You don't remember either that there was any occasion to give rise to a remark of that character?

Mr Mitchell — What do you say?

Mr O'Sullivan — Do you remember that there was any occasion that would lead you to make such a remark?

A — I cannot recollect of any occasion.

Mr O. Sullivan — That is all —

The Court — Doctor you are saying just now in answer to a question of Mr O. Sullivan — that they were required to get out a certain amount of coal — I take it for granted you are not up at the ——

A — I have heard it several times — I heard at last time from Mr Spence a Miner who has had charge of the Castle Coal Mines, & he told me that they were required to get a certain amount of Coal out — that he was down to see they labored three during the day & they were required to get out a certain amount of coal —

Q — Was there any other gentlemen who so stated?

A — Not that I remember.

Q — Is he here at the time — at the Coal Mines?

A — yes sir —

Q — Is it the only one you can recollect now having heard from?

A— yes Sir—

The Govnor— Gentlemen if there any other question that you wish to ask the Doctor —?

— all present- replied in the negative —

Testimony of Jos. C. Martin

Joseph C Martin a witness called at the request of the Govnor duly sworn according to Law testifies as follows——

Mr Rose— State whether you supply the Penitentiary with Beef?

Answer— I do Sir—

Q— How long have you been engaged in that business—

A— from about the 15th of January— to the 15th of April & then I commenced about the 1st of June I think & have been supplying it ever since— During that time I have about what— I split on the 12th or 15th day of April —

Q— What quantity have you supplied daily to the penitentiary?—

A— Well I suppose it— made average about four Hundred & fifty pounds a Day—

Q— What is the quality of the Beef?

A— Well in January & February when cattle were poor & cheap— he had at all— of course I had nothing else— but the best beef I could get in the market— but I took such meat— you know as I call first- class meat— for Restaurants— I would take the Ensign meat— from a Bullock & that is there found meet— though,

Q— How did you furnish it?— In large pieces or small?

A— Well sir I always cut up my meat before it went there because it sold up better than to send it in a bulk,

Q— What proportion of the Beef did you take out for the Restaurants?

A— Well I had to kill — say three or four cattle a day— in order to keep up my regular custom in town and to supply the Penitentiary with such meat as I could afford to at the price I was receiving,

Q,— You say it was poor in January & February— How has it been since you commenced doing business there last—?

A— Well sir I have furnished good fat Beef there,

The Governor— Mr Hughes do you wish to ask any questions?

The Attorney General— No sir,

The Governor— Mr Beavers?

The Secretary of State— No sir,

Mr Sullivan to Withers— How much do you get for the Beef?

A— In January & February there was an advertisement put in the papers— I think— that there would be a Contract let— All parties were invited that the Contract would be let to the lowest bidder, and Mary— My partner— who I believe had worked & supplied the Penitentiary— or knew somebody for some one else— told me I could afford to take the Contract for three Dollars & a half a hundred & I agreed to do so at three Dollars & a half a hundred— I agreed to furnish the Penitentiary at first when cattle were scarce— that was at times & they cost & ranged I now supply the Penitentiary

—at three dollars & fifteen cents a hundred.

The Coroner—Since June?

A—Yes Sir—I think it June Since I began again

Mr. Sullivan—Now much does your Beef that you supply to Restaurants & families cost?

A—Well—I estimate I can make money off the Contract at $3.16 a hundred—because I buy buy at 4 & five cents a pound & I take off the Entire meat off a bullock—say that nine hundred pounds—& sell it for $3.45 a hundred & sell the rest at ten & twelve & a half cents a pound that enables me to make a profit on my meat—whereas if I didn't sell the Entire meat I would have to do as other Butchers do—use it in Bologna Sausage or Something of that kind,

Q—Then it is the poorest kind?

A—It is the Inferior meat—It comes off the Same Bullock which I supply Gleason & the Metropolitan receiving the Choice meat for Gleason & other Cash Customers,

Q—Do you regard the meat as nutritious—good Meat—Such meat as would enable a man to do a hard days labor upon?

A—Yes Sir—I Should Really say that it is as good meat as a laboring man ought to want—It is not a tenderloin Steak but it is a good Round meat—I have one in Juice—I don't exactly remember the number of times—but when I was running that with Beef principally then with Bacon when I could not keep up my Contract & principally then with Beef I have given them Bacon and that I

last about ten or fifteen cents a pound or,

Q – Did you ever hear any meat-man that was not perfectly healthy – entirely fresh and healthy?

A – Well I have seen beef that in extremely hot-weather that I would like say – I would take meat in the morning that I could not-see-and put it in an iron box & keep it – & it-has a little smell I have never seen any thing like rotten meat-that-it has a little stale – I have taken a little piece of tobacco in my pocket & given it to the Cook to keep off Hard from knowing any thing about it;

Mr Ward – Joe – if you are telling your tricks I shall have to set a watch upon you a little tighter!

The Witness – Well did you have seen me to tell the truth & the whole truth

Mr Ward – Have I not complained once or twice about the beef being a little sour?

A – yes sir –

Mr Ward – And told you I should take it off yr. pile?

Mr Rose – Mr Ward has the beef you sent to the Penetentiary different-from that you usually sold in the Market here?

A – Oh! In sir I have bought from butchers off the stalls when I could not-have enough and taken it-from other butchers & paid them three cents a pound – They would take it-at-almost any price – I have by often purchased entire steer to a butcher – a hind quarter of beef when he would be short-a good piece of meat-for from 2 weeks back my own head of 2 hogs-sent it-to the Penetentiary – It-has not-been of course as a rule choice meat – It-has been

— from where the standing tile would come in up-right-forward mostly five yards.

Mr Sullivan — Governor might I ask another question?

The Governor — Certainly.

Mr C. Sullivan — When do you take meas-ure?

A — I have it-taken every morning & every evening after hot-weather I used to take it-every morning & one at once — but when hot-weather came — Col Ward & mine he could'nt-receive it — He had no way to keep it-fresh & he wanted me to bring it-twice a day — And on that ground he wants me in hot weather to bring it-twice a day.

Testimony of L. M. Peck —

L. M. Peck a Witness summoned at the Request of Mr C. Sullivan being duly sworn according to law testified as follows —

The Governor — Mr Peck you were a portion of the Year as Lessee of the Penitentiary since the 13th Day of November last — up to what-time?

Answer — Up to some time I don't-recollect — the last of January or the first of February I think.

Q — Since you severed your connection with the control of the Penitentiary have you been about-there?

A — Some-yes-not-much however — I have seen the officers of the prison-frequently.

Q — You know the object of this investigation I presume — The inquiry does not-touch further back than the 13th Day of last-November — since the present-Government-was inaugurated — I wish you would state just-in your own way as to the management-of the Penitentiary — the control of the Convicts there and their treatment — generally

The provision furnished there - The condition of the apartments - Dining room - Cells - Hospital and of the grounds there generally.

A - Well sir The grounds are nice pretty - I think the management will compare favorably with any prison The provisions are good & sufficient - There may be times when there may be a poor batch of bread, but the provisions are good - If - if any del done that you hear a Complaint - given any of them - I was in a place to hear more than God Hard would be -

Q - What do you know In Rich as to the treatment of convicts during that time?

A - Well I don't know anything of any bad treatment,

Q - What Complaints, if any, have you heard in that time of individual acts of bad treatment -?

A - I don't know that I have heard any.

Q - Of unusual & cruel punishment;

A - I don't know that I have heard any thing.

Mr. C. Sullivan - What is that?

A - I don't know that I have heard any.

Mr C. Sullivan - Were you heard no complaints?

A - In sir - I think not,

The Governor - How are the Convicts clothed there in the different seasons - Winter & Summer with reference to their comfort & good condition?

A - Up to this time & last - time - they certainly were clothed - I should think from the appearance then now & time when he ordered some to be

last-June and they was some time getting here I recollect- one time they went out to the farm late in the season and it was cold & frosty without stockings

Q- Is that the time you hired indeed there and they were late in getting in?

A- Yes sir; for some reason and God knows the men eight- six- I think one or two of the men had their feet- frost- bitten as- that- but he made a big fuss about it- I- would be very strange in an institution 56 Lugs that- as many men- If there was not- cases of that sort,

Q- About- what- time do the convicts leave the prison & go to the farm a brick yard?

A- I was hardly ever up- I think they have a horse bell at- four or half past- 5 or 6- They get- their breakfast & get- away perhaps as early as half past- five-

Q- Does that include all the seasons or only —

A- Well about- that- yes sir I should think they would'nt- get- away quite so early as that in cold weather- I should think they would stay- about,

Q- What- time in the evening would they return?

A- Well: it- would depend a little upon the weather- They would get in- before dark- any how, If it- was a very cloudy day- they might come in earlier on a bright- day —

Q- What is the distance from the Penitentiary to the brick yard?

A— Well I dont know— I should say a mile, a good long mile

Q— A mile?

A— yes sir

Mr Rose— A mile?

A— yes sir,

The Coroner— What is the distance from the penitentiary to the nearest point of the farm?

Witness — The penitentiary farm?

The Coroner— Yes, sir,

A— Well two miles, or half— as near—

Q— From the distance from the penitentiary to the nearest part of the farm— the most distant part from here?

A— Well I should think the outside would be nearly four miles— I never thought of that before but I think it would be about four miles to the furthest point,

Q— What has the depredation been heretofore— if there has any— with reference to the last two crops— the present and former year?

A— Well we have certain,

Q— On hand?

A. Yes sir In the latest instance the case of the farm— but in any case always on hand

Q— Always on hand?

A— Yes Sir always an hour— Sometimes depends upon the hurry of the work perhaps; but always an hour,

Q— In your observation of the Convicts since you Entered your Connection with the management of the Penitentiary— What impression is made upon you as to their Condition?

A— Well I dont think there is much change— They seem to be cheerful— As to their Clothing— any body notices it— They always Come out— higher Sunday morning with a clean Shirt

The Governor— Mr Clayton— have you any question to ask?

The Attorney General— Do you know Mr Peck whether they are overtasked, or overworked?

A— I dont think they are,

Q— Well as to the punishments— I allude for stated Something about— that Strap— Do you know any thing about— the punishments— They Receive there?

A— Oh They are sometimes punished there as they are in all institutions of that sort— anywhere— It may be more Secret elsewhere than here,

Q— Do you know of any cases of severe or Cruel punishment—?

A— No Sir,

Q— Any cases of punishment— likely to inflict— cruel or severe bodily injury?

A— No Sir—

The Governor— Mr Brown Have you any Question,?

The Secretary of State — No sir,

The Person — Judge Rose?

Mr Rose — Mr Peck — State whether there has been a sufficiency of food furnished for the prisoners as far as you know —

A — yes sir —

Mr Rose — that is all I believe,

The Person — Mr Sullivan — have you interrogate?

Mr O'Sullivan — When you were in the Penitentiary Mr Peck — did you at one time discharge a man named Julius Ward — whom Col Ward was away?

A — Yes,

Q — Didn't you beat him — I say he knew one of the worst — brutal men you ever saw a creek?

The Stamp — John Ward?

Mr O'Sullivan — John Ward —

A — Yes sir,

Q — Don't know that he was instructed in ill-treating and cruelty?

A — Yes sir,

Q — Did you ever hand by a guard to use that cruelty I ask is the paper now true or not?

A — Yes sir —

Q — Mr Peck — Have you not threatened a

difference- a division to two or three parties in this town- to that you expressed in a letter to Col Hall?

A— Yes sir-

Q- You think he is under treated as a woman?

A- I do think he has treated unmanly through part of that part,

The Court— Is that all Mr O Sullivan?

Mr O Sullivan— Yes sir,

The Govenor— You Pick one question- I asked you as to the management compared with that of other Penetentiaries— Have you examined other Penetentiaries in your life?

A— I have examined the Rhode Island Penetentiary & at Alton— & do at Auburn and Sing Sing one or two years ago- Didnt go there expressly to examine it- but was in there and went through— I have been at the Massachusetts Penetentiary also,

Testimony of John Mc Donald,.

John Mc Donald a witness summoned at the request of Mr O Sullivan being duly sworn— according to law testified as follows-

Question— Where at the Penetentiary in Grance Mc Donald, Have you witnessed any Cruelty?

Answer— Once a Day,

Q— State one or two occasions,

A- When out on the farm I was sending I have seen men that could work & there were such men that were not able to keep up with the others men could very Cruel in fact— They were whipped

to make them keep up with them. that was going ahead sometimes men would get sick and was not able to work — and they would whip them trying to make them work — & finally the men would get sick down — was not able to stand on their feet —

Q — How did they whip them — with what?

A — They would just take a stick & beat them right hard,

Q — Beat them on any portion of the body?

A — Yes sir,

Q — did you ever see any body lashed — tied to a tree & whipped?

A — No I never did,

Q — Were you there last night when McDonald?

A — Well I went there about the 12th of January & then & staid on there until about the middle of May — about the 15th of May,

Mr Grimes — Last January?

A — Yes sir —

Mr McAllister — How they dressed when you first went there — What clothing did they have on them — what kind and how much?

A — Well I don't know how much — they had on shirt & the regular linsey they used to wear — I don't know what or whether the clothing was — they had on shirt — coat & pants —

Q — Drawers?

A — Well I don't know really about the drawers some of them had I know & don't know that they all did,

Q— Do you think the clothing was sufficient to keep them warm at that season of the year?

A— Well I don't know— I hardly think that it was they always complained of the cold pretty bad,

Q— Did you ever see any of them at work without shoes or stockings?

A— Yes sir I have seen them work without shoes,

Q— In winter?

A— Well the weather was very cool— I have seen them work along in February without shoes,

Q— Working outside of the walls of the Penitentiary?

A— Yes sir—

Q— Were any of them set to work in the farm?

A— Yes sir,

Q— At that time?

A— Yes sir—

Q— How far was the farm?

A— Well: I don't really know some said it was four miles from the town— some said it was five— I suppose about four or four & a half—

Q— They walked out & walked back & were made to work any day?

A— Yes sir.

Q— In February without shoes or stockings— Did you see more than one in that condition?

A— Yes sir I have seen him.

Q- The same day?

A— yes sir.

Q — Not- any more?

A— No; I don't- recollect- any more.

Q- You had nothing to do with the convicts after their return to the penitentiary in the evening Had no charge?

A- No sir-once they were locked up, I was relieved,

Q- Did you ever see any of them whipped in any of the wards?

A- I have not- sir,

Q — You have heard of it- though?

A— Yes sir I have heard of it— I heard there several- the time they were whipping them- but never went to see where they were whipped or any thing of the kind — didn't- want to —— go—

Q— How long ago?

A — I quit- there about- the 15th of May last- & it was along some January up to that time off & on,

Q— About- what- time of night-?

A— I heard it- sometimes immediately after they would go in — taking them in — they would be sprinkled for some cause or another by the Guards — & then the women would whip them,

Q— Did you ever hear of any disturbance up in there or trouble at- night-?

A— No sir— I have been up there; to that time of night-

(a. No sir I never was there up to that- hour—)

Q— what was the general opinion of the Grounds about it— as to the treatment?

Mr. Rose— I don't think it necessary to encumber the Record with all that,

Mr. O. Sullivan— We are asking these questions only by permission,

Mr. Rose— It is not evidence you are aware?

Mr O. Sullivan— I understand it is not evidence I admit it is taking a great deal of latitude,

Mr. Rose — Will go on,

Mr O Sullivan— Will never mind I have nothing — more to ask,

Mr. Rose— It writings! — What business are you engaged in Mr McDonald?

A— Dairy business — now at present,

Q— Have you a Dairy?

A— Yes Sir—

Q— What was your business while employed in the penitentiary?

A— I was Steam Guard,

Q— State if you please which was it that whipped Ware in the field,

A— John Moore.

Q— What were the names of the men?

A— Well I don't know the names of any one

— man that was there — they dont belong to my Squad there was several that I couldnt call the names of.

Q — Can you mention the name of any one?

Witness — That was whipped?

Mr Ward — Out in the field.

A — Let me see — I think I can give a name, only by the name of Lamb — Some Lamb.

Mr Ward — What Guard was with those men you speak of when they were whipped — You say it was not Yr Squad?

A — No sir —

Q — What Squad was it in — Who was the Guard?

A — Well I cant really say — who it was that was guarding — because they were carrying wood at the time & the guards being all around a good way off from me I couldnt distinguish the Guard.

Q — Do you know any other Guard that witnessed it?

A — Well I don't know that I could — They would witness it of course if they were together here.

The Governor — He means do you know any other Guard that saw this whipping — beating?

A — Yes — Sir —

The Governor — If you know — Just state whether you know it — and who it was?

A — Yes sir. This Guard — (a pause)

Mr Ward — Do you say you do not know the names of them?

A— Well I don't know right now I believe any one I could call they being all around so I don't recollect any one particularly,

The Prisoner— There is another thing to ask him— Who else beside myself was on guard that day with Lynch?

A— Yes sir— Cooper— Reuben & Scroggins & three more several of them I can't call over in mind to mind now— There was Tim Washington— a negro,

Mr Rose— Now of the how you know these men whipped in that way?

A— Well I suppose I have witnessed it— some three or four times.

Q— How many men did you have in your Lynch?

A— I sometimes have fifteen— sometimes twelve— & sometimes eight— & was down to six at one time,

Q— Now were you in the place when these men were whipped?

A— I was about two hundred yards.

Q— How do you know that they were sick?

The Witness— Sir?

Mr Rose— How do you know that men that men whipped were sick?

A— How do I know? why they were so sick they were not able to work & they were punished on & had to give down because they were not able to stand,

Q - You say you know they were sick How do you know?

A - Coby they looked so - appeared sick.

Q - When did you first notice they were sick? - How long before the whipping?

Mr. Rose - Yes sir: -

A - Coby I have not been there & all sick men whipped,

Mr Ward - I thought you said you had?

A - No; I have not been there & really sick men whipped - They were so sick they had to give up work.

Mr. Rose - What sort of stick was it they were whipped with?

A - Sort of common hickory stick -

Q - How large?

A - Were not very large - just common size,

Q - Just a switch off a tree I suppose?

A - Yes sir - just what you would handle - a common sized stick -

Mr Ward - A stick or a brush?

A - Were sir - a stick or a brush - anything he could come up to that he handled handy.

Mr Rose - How big were the switch?

A - Were sometimes like that, (an ordinary cane) Sometimes,

Mr Ward - Was it stick or brush?

A - Were a little brush,

Q— Did they pull the birds off?

A— No sir there were not any birds there.

Mr Rose— How many licks were given them?

A Sometimes three or four— Sometimes five or six just how he felt like it— I suppose

Q— What was the names of those two prisoners you have written down?

Mr Hard— Dr Mcbreary,

Mr Rose Dr Mcbreary last—

A— I don't know sir the names of them,

Q— There were two of them I understand you to say?

A— Yes sir I saw two of them,

Q Where abouts were they in?

A— Sir I can't tell for certain where abouts they were in because they work the men at different places— sometimes work them up to what they call the Big Farm— in Woods plantation & sometimes at the Garden place— close to the brick yard—

Q— Did you see the men carry corn from them one day?

A— No sir I don't know as I ever saw— I never seen them carry corn one day & I don't know that I noticed them afterward,

Q— You saw on the prisoners at the Penitentiary I suppose?

A— Yes sir— I suppose I have—

Q – Why was it that you left the Penitentiary?

The Witness — Why did I leave the Penetentiary?

The Court — Yes Sir —

A – Well Sir it was on account of the bad gang that I left it principally.

Q – You wanted to get to a better Hotel?

A – No: but I thought I could get his on such treatment as I received at the hands of Mr Ward –

Mr Ward — Which Mr Ward?

A — I don't know — Col Ward they call him I suppose,

Q — Do you mean me or John Ward?

A – Well I mean both of you I suppose,

Q – Are you the man they made an escape from in the Clearing?

A — Yes Sir — I was the one,

Q – You left with my Consent I believe?

A — No Sir,

Q – Were you discharged for it?

A — No Sir – On the Contrary you told my self & Dick at the office – "It is a nice thing to leave me at the end of the month – Why didn't you like me a month before"? – I said – I am willing to stay to the end of the week – I told John Ward about it –" You both went away,

Q— Saw you the man that escaped from?

A— One man left me.

Q— Have two men, one whose name is as the Court knows now— You recollect the man— Powers— didn't he get away from you?

A— No sir.

Mr Ward— Show you are not the man I'm thinking of.

The Court— Archy Powers?

A— That was Dorothea that he got away from.

Q— Archy Powers didn't get away from you then?

A— No sir, —

Mr Ward— Did you call the attention of the Warden to those men that had not any shoes on?

A— I did not sir,

Q— You report them to me?

A— I did not—

Q— Did you ever report to me that the men were whipped in the field?

A— No sir— You have witnessed the whipping of one— The men were all carrying wood one day— I don't think about his name was a little thin— light— fellow—

Mr Ward— Where?

A— Upon the Hodges Farm— You can recollect it I do— I recollect you being there,

The Court having interrogated the other members of the Board and Mr C Sullivan – as to whether they desired to ask any more questions – Accused replies in the negative

Testimony of D. L. Dwyer,

D L Dwyer – a witness summoned on the request of Mr C Sullivan being duly sworn – testified as follows – —

The Court – Mr C. Sullivan I believe this is one of the witnesses whose name you gave – Have you please examine him upon any matter you desire,

Mr C Sullivan – Mr Dwyer did you ever hear any of the Convicts whipped upon the Farm?

Answer – I have not – I have never seen any of them whipped

Q – Did you ever see a man that was whipped by, that he died?

A – I said it – for the very reason that the Guard told me so

Q – What Guard told you?

A – Gull John Foster told me

Q — Foster?

A Yes Sir – I saw the man laying & I asked afterwards what was the matter with him,

The Court – Just state which you are on that point – when that was,

A – Well it was about the 1st of June or there where longer —

Q – This past June?

A – Yes Sir – The man was lying up at the Brick Yard as I passed home – & I knew

the Guard lay hell & asked him if the fellow had escaped out - and he said yes - and a few days afterwards I asked him if he ever got well and he said he did before they got him home — I asked him what was the matter with him & he said the man who whipped him had struck me first - but the Ct pronounced it a plain fever

Mr C. Sullivan Did you ever know how many blows or lashes he got -?

A - No sir - I did not - only he got a bad whipping that day - that I was told,

Q - did you know of any others being whipped?

A — No sir,

Q - Do you know of any body beside you that this Guard did that to?

A — Yes sir I other guards that was speaking about it also at the same time - That was three guards that I know there - That was five or six that spoke about it - I don't know their names - I know but three guards in the whole world - to know their names,

Q - Are there any of those guards that you know personally beside Mr Porter?

A - No sir - there was not others that I know by name - I know them pretty nearly all -

Q - Do you know why he was whipped?

A - The last time he was whipped - they said the man fell over & fell down in the ranks

Mr C. Sullivan - That is all Genl —

Mr Rose not desiring to ask the witness any questions

The Prisoner — Where is Mr Baxter now? do you know?

A — I think he is spreading up there now,

Q — Did he tell you who did the whipping

The Witness — who whipped him?

The Prisoner — Yes sir,

A — I think John Hurd whipped him.

Q — Was it what Mr Baxter told you?

A — Yes I think that is the name of the one who superintends them

The other members of the Board not desiring to ask the witness any further questions

The Board adjourned to 9 o'clock A.M. of Monday September 18th

Monday Sept 18th 1876 —

The Board met at 9 o'c M. pursuant to adjournment present — The Prisoner — The Attorney General for Prosecution — Mr Hurd — Mr Rose & Mr Cullinane —

Testimony of Chas H. Purcell —

Charles H. Purcell being a witness summoned at the request of Mr Hurd being duly sworn according to Law testified as follows —

Mr Rose — Mr Purcell please state to the Commission any thing which you know regarding the Conduct & Management of the Penitentiary since the 18th of November last —

Answer— I conduct- duy day Thing pint- Ec
-gard to the management of the Penitentiary—
The Mark principally appointed me to be present
and testify as to the class of provisions
the supplied—

Q— Will please state—

A— They have been trading with us about a
year & a half— buying flour— meat
sugar & coffee & such other articles as they
need them to feed the prisoners— The class
of goods they buy are not of the finest quality
but— sound— wholesome food— That is about
all I could say in the matter—

Q— Have you furnished them with pro-
visions of this character lately?

A— They have been buying every month since
they commenced dealing with us—

Q— In large or small quantities?

A— Will sometimes in large quantities
sometimes in small—

Q— Have you ever had any unpleasantness
from— provisions, to them?

A— Once Judge, I last- year had a lot
of flour— not quite sound— was made
of a little damaged wheat— & opened it
at a day or- place— and the owners of
sold said was— "he would'nt feed his —
Thieves"— that was his language "on any-
such food— she wanted sound food for them"

Q— Could you state about- what- the average
value per month of the provisions that
you supplied has been?

A— They paid very much for some months ~~La~~ time as high as four or five hundred dollars, and some months again, the amount was very moderate

Q— Now you purchased any thing else from Ingram— Coffee— & sweet?

A Sometimes a little Tobacco was issued among the prisoners, I think— at least— they told me so— and peppers— & salt sometimes— such as were necessary I suppose for Cooking purposes in the Penitentiary,

Q— What kind of meat was it you purchased?

A— Bacon—

Mr Farmer— Mr Sullivan will you ask any questions?

Mr. Sullivan— One question— sir— (To witness) The great bulk of the food furnished by you— Mr Pizzel— was of a poor quality eh?

A— There was of a good Round quality— such as we have Rule Lot of— especially Mr Farmers— any Body else— They have not of the finest— kept in quality— but always good & wholesome

Mr Farmer— Mr Pizzel— do you furnish by Contract or just— deliver by the article?

A— By article— Just as they want— up— at Market— Rates—

— Testimony of William Millard—

William Millard a witness Summoned on the Request of Mr Ward— being duly Sworn according to Law testified as follows—

The Court— Mr Millard you are employed by Mr Ward in Connection with the Penitentiary

in any Capacity?

Answer— Yes. Sir,

Q— State in what Capacity,

A— Foreman of the brick yard—

Q— How long have you been engaged there?

A— Since the 8th of February.

Q— The 8th of last February?

A— Yes Sir—

Q— As foreman of the brick yard— what have you to do with any of the Convicts in the Penetentiary?

A— Well— the men I take out to work & see that they work— that is all,

Q— How many do you have to work?

A— Well I have been forty to a hundred & Sixteen— I have usually six to day a hundred and Sixteen I think, in the highest— I had,

Q— What time in the morning do you leave the Penetentiary with them to go to the brick yard?

A— Well I think it— is near about— 6, o, clock now of morning

Q— About— Six 6. Clock every Summer?

A— Well it— is a little earlier in the Summer— between five & Six in the Summer,

Q— You have Mostly Six you say now and have the Penetentiary now about Six in the

morning – but a little earlier in Summer?

A — Yes Sir —

Q — What time do you leave in the middle Months?

A — Some times I suppose – I never time in July when I first started,

Q — Will what time did you leave in February March from the time you came there?

A — Well; they couldn't tell just – not much sooner than six o clock – I just Run – I couldn't answer that

Q — How long does it take them to make from the Penitentiary to the brick yard?

A — Well I suppose from a half to three quarters of an hour,

Q — What sort – do they work in?

A — Any clothes generally speaking – If it looks like it was going to rain or any thing of that kind – They wear a little linsey,

Q — What time do they get back to the Penitentiary?

A — Sometimes they get back to the Penitentiary before Noon sometimes about Noon sometimes a little after —

Q — Do they any meals during the day – given to them – any rest – from the time they go to the brick yard?

A — At noon they is,

Q — At noon — How long a recess?

A — Well I have given them this Summer – from an hour – to two hours – all

I could give them—I have no time piece—Most of them have days work—I have one man that has this days work done by the time I knock off for Dinner—On an average the Honest-man can get done about 4. O.clock,

Q—Tell this man that gets his work done by noon—Do you give him any more work to do?

A—No Sir, unless there is brick to tuck if it is going to rain—Then he has his share of brick to tuck,

Q During the time that you have been there at the brick yard—Have the Convicts you have worked—been checked here or otherwise?

A—They have had what is called three quarters of a days work—in the outside—In other words I make $750—tick for a days work for a moulder—On the other hand the Yeoman moulders $700 for a days work—When I first started they only made $500—

Mr Rose—How many do they make now?

A— $750—

Q—What is the average tuck outside the walls?

A—$100—a $600—They usually call it—$600 brick,

The Governor—How many of the Convicts have been made sick from being overworked—at the brick yard during the time you have been there?

A—I don't know that any of them have been made sick from over work there—three quarters of a days work,

Q—Now have the Convicts that have been under your charge Mr Neilland been clothed during the time that you have been there?

A— Did they have had shirt & pants to mend, some of them coats some of them hadn't & don't know whether it was a matter of choice with them or not- knowing this Court or not- He dunno time a working man has by over seen his coat—

Q— Did they have shoes and socks?

A— some of them have— & some not,

Q— How is Bethany and Marek?

A— All dere that I noticed they had on shoes— I didn't notice any particularly— In fact at that time I didn't— have many time under my charge— All me only burning brick & I had only a few

Q Was there ben generally complaints among them in regard to their clothing?

A— No sir; I have had any complaint to me about their clothing—

Q— Have you heard any complaint from them?

A— I think not,

Q— Do you know any thing in refrence to how they were fed?

A— In only at dinner— That was the only meal I had any experience in,

Q— They eat this meal out———

A— out as the rich you— yes sir

Q— State your observation of the food they had— Quantity and quality,

A— Part of the time they had potatoes— beef— part of the time, had beef & soup & of late they get pumpkin, bread & beef—

Q— What supply was they supplied or not?

A- Well generally speaking I suppose they were- There was a day or two that the bread was a little short- it- was only a day or two- Some of them complained a little to me- She took them as the time,

Q- What do you mean by that?—

A — Took Said-

Q The Lessee?

A- Yes Sir, Some of them complained that the bread was a little short- I spoke about it- & the Cutters came back again all right- & I asked one of the leading men that spoke about it being short- if he got enough to eat- and he said he did- emphatically,

Q- What was the quality of the provisions furnished them?

A- Well I could hardly describe the bread stuff it was not fine- but I should not call it a first class article

Q- You would not call it a first class article?

A- I should'nt call it a first-class article- it was made dark looking bread- but I smelled it several times to see if it was musty or sour- and whenever I got a piece of it it appeared to be wholesome good- I may know what made you moved call it—

Q- What kind of meat?

A- The meat I consider good meat I expect about as good as the average of Butchers could furnish or had to furnish I buy often some of the same kind of meat myself-

Q— Was the dinner sent to them from the penetentiary- or did they carry

it out with them in the morning?

A— Sent to them.

Q- From the penitentiary?

A— Yes sir.

Q- At the dinner hour I suppose?

A— Yes sir they have a dinner sent out from the dinner out,

Q- Did you or any one with you whip any of them during the time you have been there as foreman of the brick yard?

A— Well I suppose- eight or ten men have been whipped since I have been there since the 8th of July- I out of those under my control,

Q— Just state how the character of whipping- They have received?

A— Well I never have seen out two of them whipped — and they- each one I think got twenty lashes,

Q— Quite what?

A— Quite a heap

Q— Do you know how often men whipped from any one in charge of them that told you?

A— Well I couldn't answer that- A man could have a great many things,

Q— Shall I mean that you have heard in the course of your duty there,

A— Yes Sir— I couldn't— Answer to anything I had heard at all,

Q— No— but— I take it— if they have been— whipped by any one. Then— they had been reported to you & they were under your charge,

A— Yes Sir, I do the reporting to the Warden if a man does'nt— do his duty— & if I think he deserves punishment— I report it to the Warden,

Q— Now— the two that you say you have whipped you say they were given about— twenty lashes this that punishment— given to them— the same or not— The same punishment— given to the convicts for not— doing their— duty— or when they are punished?

A— Well that I couldn't— Exactly answer— for these were the only two men I have whipped inside— I think there were only two,

Q— Then you don't know what— the rule of— punishment— is?

A— I Exactly— I don't,

Q— Do you go into the Penitentiary to bring your men out— or do you receive them at the ga

A— I receive them at the gate— & as soon as I turn them in— I report— for— any thing further to do with them,

Q— Do you know any thing of your own knowledge— there— or from your observation there— of the management of the Penitentiary?

A— Yes I do not— I don't go inside the Penitentiary more than once a week—

—and there is usually a Sunday—only in the yards—to excise my meat & to throw them in—night—when I have them,

Q—When you are in the penitentiary—what is the appearance of the buildings and grounds and apartments as to cleanliness—

A—Well its general appearance is tolerably good—as far as the cells are concerned I don't know any thing about—that

Q—You have made no examination of them?

A—No Sir—

Q—During the months of March & February—during the cold time in those months—were there complaints made to you from Convicts in the sick yard of not having sufficient clothing?—

A—In deed,

Q—To keep them Comfortable?

A—There were no complaints made to me in fact—around the fire it would'nt take very much Clothing any how to keep them warm—

Q—Did any of the Convicts die at the sick yard during the time that you have been there?

A—In deed—

Q—Mr Rose—Fitts Legard & the Bread—what is the bread made of Mr Willard?

A—Flour, it is flour bread,

Q—Bolted or unbolted?

A— Well I cant-answer that Exactly- I am not-much of a Miller- as I once began I would'nt- know what-grade to put-on it- the only thing I can answer about- that is- that it- is dark looking bread- & that it- is not- sour or musty— I have examined it- several times to see,

The Coroner, Mr. C. Sullivan- Do you wish to interrogate Mr Millard?

Mr C. Sullivan— Mr Millard do you know of any body dying- any of the Convicts- before reaching of the Penetentiary?

A— Well I dont-know that I do know of any Convicts dying before reaching the Penetentiary?

Q— Havent-heard—didnt-hear of any of them Dying?

A— No sir— I am ~~xxx~~ only speaking from what- I actually know myself gentlemen,

Q— In travelling—did any one tell you that a Convict- had died from the effects of a whipping?

A— Well I dont-know that any of them ever died positively

The Coroner— Mr Millard what-do you call the distance from the Penetentiary gate to the brick yard?

A— Well I call it- about a mile and a half I think it- is as near as I can guess at- it— It- may be a little further perhaps not- quite do you— I dont-think it- is any further than that—

Q- About a mile and a half ?

A— Yes Sir—

— Testimony of I H Foster —

I. H. Foster

a witness summoned by the Board, being duly sworn according to Law— testifies as follows—

The Court— Where do you live Mr Foster ?

A— I live up by the Prison— Penitentiary,

Q— Are you employed in any capacity in the penitentiary ?

A— I am guard there,

Q— What duties do you have to perform as guard?

A— Well Sir— I go out on the hickory and sometimes, sometimes on the farm guarding the prisoners,

Q— How long have you been there in that Capacity?

A— Well I don't know the exact time I may be a little more or less—

Q— How many do you generally have to guard?

A— Well sometimes we have ten— sometimes seven— sometimes twelve— just as they give them to us you know,

Q— In fixed number

A— No Sir,

Q— Any where from seven to twelve?

A— Yes Sir, somewhere along there,

Q— You were there Sunday?

A— Yes sir—

Q— Have you been pretty regular upon that since you went there first?

A— Yes sir—

Q— Will you state to the Commission how the time that you have been there— How those conditions that have passed under your observation have been clothed?

A— Well sir since I've been there— they have been clothed very well I consider,

Q— Of what does the clothing consist?

A— Of a pair of pants— some of them have shoes, Coat = blouse & hat— mostly good clothing

Q— Have there been many complaints made to you— or have you heard many complaints from them in regard to their want of clothing?

A— No sir— there have not,

Q— In speaking of clothing— do you include shoes and socks,

A— Well sir they have very good shoes— some of them have new shoes— they have good pants— Good pants I call them very good clothing,

Q— Do you stay out— there when you go in with them— the whole day?

A— Yes sir—

Q— And came back with them?

A— Came back with them,

Q— About-time did you usually leave the Residence in the morning?

A— I don't know the exact time—The sun is always up when we leave,

Q—About is since you have been there?

A Yes sir—

Q When do you get back?

A—Just as the common pires.

Q— You mean the Common at the Arsenal?

A— Yes sir— at the Arsenal,

Q— How long does it take you to make from the Residence to the brick yard?

A— It takes about half an hour I reckon,

Q— About is the distance?

A — In all?— I don't know, it— is not more than a mile though I reckon—

Q— How long does it take time to walk to the nearest point of the farm?

The hilltop — The main farm?

The Grimm— Yes sir the farm on the River.

A— Well it-dont-take them more than a half an hour,

Mr Yard— The Govnor means the upper police Station—

The Govnor— Yes Sir,

The Witness— It-will take an hour & half I reckon,

The Govnor— It walk to the nearest-point-of that?

A— Yes Sir— the way it walk— it dont walk very fast,

Q— The nearest-point-on the Lower Queen— is about— the Same distance as that it to the Dockyard?

A— Yes Sir—

Q— Is there any rest— or Keeps of Beer during the day up there?

A— There is at-dinner time—

Q— Ebbers-Knight of rest?

A— He generally get-an hour— Sometimes an hour & a half— Sometimes longer,

Q— Do you receive your regular wages— Punctually Sale?

A— Yes Sir receive them whenever we stop at work,

Q— You dont get them at the Sale?

A— No Sir; they all go out in Vans from the Sale,

Q. How many cases have you known since you have been there of sickness from one sick-at the farm or sick yard?

A— Well sir I don't know— Men get sick out-at the farm— but— whether from one work or not— I don't know— I don't think it is from one work— because they don't one work a man,

Q— Do you know of any cases of stopping work from sickness on account of being overworked there in the sick yard or in the ——?

A— No sir— I do not—

Q— Have Complaints been made to you about being one worked on the part of ~~the~~ —?

A— No sir— None have complained to me about being overworked,

Q— do you know any thing about the provisions— the food that they eat?

A— Yes sir— for I eat it myself— we get very good food—

Q— You eat the same provisions do you?

A— Yes sir— and we get very good food— and we get as much as we can eat,

Q. What do the rations consist of?

A— Of good flour bread, Corn bread and Coffee,

Q— Are you furnished with any soup at any time?

A— Yes sir we get soup for each one—

Q— Do you get any vegetables?

A— Yes Sir,

Q—How often since the legislature Session have they been legislatures to cut—?

A— well Sir— I disremember how many times I have kept—no account of it—but pretty often,

Q— What—kind of vegetables?

A— Three Sir— We get—potatoes—Cabbage Onions and pumpkins

Q— Has the supply been sufficient—?

A—It always has—Since I've been there Sir,

Q—How many convicts—have been whipped Since You have been there that you know of?

A— I dont—know Sir how many—You mean inside?

Q— No—You can speak of That how ever if you desire and with reference to the farm & sick yard too,

A— I dont—know Sir how many have been whipped—I cant—keep an account—of that of my own Syrad—In fact—I never kept—any account—

Q— How many in your own Syrad;

A— Three I mean had cut—one in my own Syrad that was whipped that I know of——

Q— What—kind of whipping did he get—?

A—Three; what I call a very light—whipping—with a strap—

Q— Quite a stage?

A— Yes sir—

Q— How many licks would he give?

A— I didn't count them,

Q— Was it a severe whipping?

A— I wouldn't call it severe sir—

Q— Do you know of any cases where the Convicts became sick or disabled in consequence of whipping?

A— No sir— I don't.

Q— Do you know of any cases where Convicts on account of whipping were killed or died in consequence of it?

A— No sir— I know no such cases as that.

Q— What is the usual mode of punishment for disobedience of the Convict?

The Witness— Which— In whipping?

The Court — What is the usual mode— How do you punish them for disobeying orders— or being refractory?

A— Well sir there is always whipping with a stage

Q— What is the usual amount of whipping they get?

A— I don't know sir— I have never counted it in my life

Q— Have you seen any cases of where you would call severe whipping?

A— Yes Sir— I have been Sent a Card & Sent Shipping

Q— Have you heard of it— from any one in Chas—?

A— Yes Sir—

Q— Is from the Convicts themselves?

A— Yes Sir—

Q— Do you go in the Penitentiary much— since of it—?

A— Yes Sir, I go in very Morning & every evening.

Q— Do you examine the Cells any?

A— Yes Sir— I am always out on the Walls— and stay outside— around the Walls— till the men come in,

Q— Whether— is the Condition for Cleanliness of the inside of the Penitentiary— the building— and apartments— as good as you have noticed them

A— Clean.

Q— You regard them as being Clean?

A— Yes Sir— I regard them as being Clean.

Q— What steps are taken to keep the inside of the buildings Clean as far as you Know noticed—

A— Well— men to Police them up— Clean them— keep them— Clean the track no— the yard is we keep off nicely—

Q— Are they Whitewashed inside too?

A— Yes Sir—

Q— How often?

A— I cant say — for I hardly ever go inside the cells do as to see — but — I think they are all whitewashed nicely,

The Coroner, — Mr Clerk — please turn back to the testimony of Mr Dwyer in your notes — and read his testimony in reference to the death of one of the convicts,

The Clerk having read from his notes the testimony of Mr Dwyer —

The Coroner — Mr Foster — you have heard the statements — then of Mr Dwyer?

A — Yes Sir —

Q — I wish you would tell us now about the whipping of that prisoner — who whipped him — what he was whipped for — and how often he was whipped,

A — Well in the first place — I don't recollect ever saying any such words to him as he has represented — because the man was in my own employ — & to the best of my recollection I don't remember that man, getting but one whipping that day —

Q — That day?

A — That day Sir,

Q — And further from that he was a disagreable man — he was a dangerous man,

Q — What was he whipped for that time?

A — For not doing his work,

Q — Where was he whipped — In the brick yard or on the farm?

A— On the Farm.

Q— How much of a whipping did he get?

A— He didnt get mine than twenty five,

Q— Who gave them to him?

A— Jim Ward—

Q— The old Man?

A— No sir— John Ward.

Q— He died that day?

A— Yes sir— He died that day I believe,

Q— Had he ever been whipped before?

A— Not in my Sight he hadnt— If he had I didnt know it,

Q— If he had— You didnt know it?

A— I know he hadnt been whipped in my Sight, He worked in other Fields around,

Q— About what time in the day was he whipped?

A— It was in the Evening—

Q— What time did he die?

A— He died late that Evening,

Q— How long after the whipping was it he died?

A— Oh! He was whipped about one O'clock I reckon— He didnt die before it was getting dark—

Q— Had he been complaining?

A— He did not to me before. he said he was sorry that is all — but he hadn't done nothing — he couldn't get him to do any thing — he wouldn't work —

Q— What was the name of that man?

A— Smith —

Q— What County was he from — do you know?

A— He was from Little Rock — how did he tell me — that he was from Little Rock,

Q— Did you have the doctor there to see him?

A— Yes Sir — he had no doctor out there — The Doctor came in I believe that night after he brought him in — & he was there next morning.

Q— Dr. Lemon?

A— Yes Sir —

Q— Do you know whether the Dr. examined him or not?

A The Doctor examined him thoroughly —

Q— Take off his clothes & examine him?

A— Yes Sir — took off his clothes I think,

Q— And you state, that you don't recollect having told Mr Dreyer — any thing of this sort?

A— No Sir — I don't — I don't think I did,

Q— Do you know him pretty well?

A – I just know him when I see him, Jus so,

Q – Moving Cotton?

Q – What was the character of the work you were doing that day –?
(A – Hoeing Cotton)

Q – What month was that in?

Mr Hurd – June – Prayer says –

The Court (to Witness) – Is that your recollection – that it was in the month of June?

A – I disrecollect what time it was – it was some in June – was Thinning Cotton was six or six inches high – I know it was mighty low,

Mr Hurd – Prayer says – the last of June –

The Witness – The Cotton was mighty low I know – for we were cutting grass & things out.

The Court – Mr Hughes – Have you any thing to ask him? –

The Attorney General – Did you see that whipping?

A – Yes Sir – I did,

Q – What was it done with?

A – With a strap – Leather,

Q – With a strap?

A – Strap – yes Sir –

Q – How many licks did you say you gave him?

A- I dont think there were over twenty five.

Q- Did you see the man after he was whipped?

A— Yes sir-

Q- Well- Was he disabled from the whipping?

A- No sir he was not- He went to work as good- as any man I had in the squad.

Q- As good as any man you had in the squad?

A— Yes sir,

Q— Was he whipped with any thing else except the strap?

A— No sir.

Q- What time was he taken sick that morning?

A- Indeed I dont know sir what time it was he did not complain to me of being sick at all- only complained of being sore- He did not— complain of being sick though,

Q- Did you see him when he died?

A— I was right with him sir,

Q- What appeared to be the matter with him?

A- Well sir I could'nt tell unless he had a fit,

Q— Was his death sudden?

A oh! no, I think he had a fit- when he died,

Q- Did he complain of any thing particularly?

A— No sir—

Q— How long after he quit-work was it before he died?

A— Well sir he quit-work at six & eleven up there & came down as fur as the brick yard— I think it must have been two or three hours or more— I don't-know exactly because I was. sick myself—

Q— Will you say— you saw him whipped & saw him afterwards and saw him die— Is it your impression or not— that the whipping had any thing to do with producing the death?

A— No sir— The whipping had nothing to do with producing his death because I— could have took more lashes than that myself—

The Rose— What-is that you say Mr Gutrup?

A— I say I know the whipping didn't-kill him,

Q— Was he able to walk after he finished-Complaining

A— Yes sir—

Q— Did he become insensible before he died?

A— After he has taken with that fit— he didn't- have nothing to say to anybody I supposed it— to be a fit,

Q— How old a man was he?

A— I don't-know sir— I never asked him his age—

Q— Well about?

A— Thirty— Thirty five or somewhere along there— he might-have been older—

Q- How long had he been in the prison?

A- I dont know sir how long he had been this time,

Q- Had he been in there before-

A- He told me that he had been in that prison before,

Q- You say he was a bad and dangerous man?

A- Yes sir he was- he was a Dangerous man,

Q- What was his conduct been that day prior to the whipping?

A- Could'nt work sir,

Q- Did he give any reason for it-?

A- No sir- Only he would stand up & curse you as he would any body else- & he a prisoner,

The Clerk- Did you say he would stand up & curse you?

A- Only certainly he would-

Mr Reid- stating that the witness was sick,

The Court- Let Mr Sullivan interrogate the witness,

Mr Sullivan- Under the circumstances I dont wish to question him,

Mr Rose- Was this man complained of being sick before that time?

A- No sir- he had never complained to me of being sick,

Mr. Sullivan- Do you have the witness again?

Mr Gurd – Go ahead – any time,

The Court – By you must – him at any time Mr. A. Sullivan – he will and for him,

Testimony of Samuel Gilkins –

Samuel Gilkins (Colored) a witness summoned at the request of Mr Gurd – having been sworn according to law testified as follows –

Q – Where do you live?

A – Live in the fifth ward of the city of Little Rock,

Q – What business are you engaged in?

A – Employed in the State Prison – Guard –

Q – How long have you been there in ~~that business~~?

A – Been there fifteen months –

Q – Your business is entirely on the outside of the walls; is it?

A – Entirely on the out-side –

Q – Do you see the Convicts in their penitentiary going in and out?

A – Yes Sir –

Q – As they go out and come back?

A – Go out – & come back yes Sir.

Q – What condition have those Convicts been in generally – since you have been there without your observation as to their clothing – have they had a body clothes?

A – Well: They have been very well clothed

since I have been there — I have seen them frequently at the end of a week with their shirt & pantaloons almost like citizens — Only they have the same clothes — Their clothes never out — They have good clothing.

Q — Have they had shoes and socks?

A — While the weather was cool I know I spoke to them about being barefooted at times — In summer they were barefooted because they chose to do so, They had shoes.

Q — Any of them appear to be supplying your want of clothing any time?

A — No sir — not as I know of I have a few times since I have been there gone to the master master for clothes and they have not been refused — always give them clothes.

Q — What time do they get open?

A — Well I don't open in the morning — in summer in the middle about sunrise I go on about six o'clock in the morning & in summer they are generally gone.

Q — Are you there when they get back in the Evening?

A — Generally —

Q What time is that?

A — About six or seven — about sundown — Some times earlier than others

Q — Sundown — a little before or after?

A — Time is — will average about sundown or a little before sundown,

Q — You don't go out into town?

A- Oh: Yes sir, I never goes out-,

Q- Do you know any thing about the character of food they get- to eat-;

A- Well I know something about it-, I eat-some of it- myself- Don't see any difference,

Q- State what kind of food- is there sufficient quantity or not- & what is its quality?

A- Well I don't know that- but- I never hr complaints about- the food- They say they get- plenty- such as it- is you know- I get the same as they eat- get- the same for my family & for boarders. I have frequently heard them say this- old Custis- that have been there a long time- that they get- more to eat- than they had had before for a long (so understood) some of them say that they have been there for seven or eight- years- I have got a nice room boarding with me from St-Louis- Never made Doctor write up there & he ate the same beef- & I told him about it- & he laughed at- it-

Q- State what complaints you have heard in reference to the food & provisions furnished there,

A- Yes sir I have not heard any Complaints ~~whatever~~ at- less from some sick sometimes if they wanted to get- something nourishing to get- me or in preparing through the Gate- Keeper of the Custis or something- I never ask them if they wanted- enough to eat- & some they get- sick sometimes & I do myself-

Q- Was any steps taken to modify their condition in that respect?

A- Yes sir they take pains for them, I have seen things come from the Cook-

Colonel's house & from the window — I have seen persons through & go to the Circle near in there,

Q — Do you know any thing Hilkins about the subscription of the Convict?

A — No Sir I know nothing of that — I am on the out-side & know nothing about the subscription —

Q — You know nothing about that?

A — No Sir — I have heard since of Thursday This — "I got a small brush last night — and brought it on myself" & you will Enter this and you it — there's a few many & them there will tell you that —

Q — Will have you heard there say anything about any Cruel or unusual subscription or Punishment?

A — No Sir — I have not — I have heard that on the outside & I have told men I have heard since on the outside — a few men say a party Imagined on him — in a store — I hear of it outside & could hear anything there — I have asked the Guards & asked them when he parted it — I have heard it down town — while the arrest was — I don't know any thing about it"

Q — Did have heard nothing from the Convicts there selves about the cruel subscription or punishment — of Prisoners?

A — No Sir I have heard it on the outside from the prison — but I have only heard the Guards say — that a fellow didn't get enough — "They have got — since last fellows time!

Q — Have you — seen any — where appearances indicated they were subscribed?

A — No Sir — I have not —

The Attorney General & Mr Roe - having declined to ask any further questions

Mr. O. Sullivan - You are acquainted with the same food as the French - you say Mr. Gilbrin?

A - Well sir I know it - by seeing it - come - through the gate - & hearing them talk - when I go - by tables - they get - there & he change Turnips - pumpkins any thing of that kind,

Q - Do you know that you get the best portion of the meat that comes to the Penitentiary?

A - No sir I don't, no sir.

Q - Do you see the meat cut up?

A - I don't see it cut up - I see it come through the gate twice a day.

Q - Have you ever examined particularly the meat the meat that is taken to the Convicts?

A - No sir - not more than I always have that I get a part of it - the same -

Q - How you only know that you get a portion of the meat - of the same beef -?

A - Yes sir - I generally bought - provisions for the family or anybody - I don't know it - it comes through the gate in quarters -

Q - Do you ever see a man get in minutes without shoes or stockings?

The witness - In the winter?

Mr O Sullivan - In January or February?

A— No sir,

Q— Jim would be likely to see them?— Do you know them now sir?

A— Well I don't know them now sir— I saw them in Nineteen three I think Fifty O'clock to them up a there about and seen them.

Q— They might have gone out without your seeing them?

A— I was standing at the gate I recollect one man going out— he was pretty cool— he went to the warden & told him he wanted to go out. The warden said something about his shoes,— I don't know what it was— but he said he wanted to go out it was pretty cool— a big load I have been there when it was pretty cool myself— but I cannot stand it,

Q— Don't you imagine that you have given here about the whippings & any thing comes from Convicts as they are called?

A— Yes sir. The most of it comes from there I have heard them talking too— that they were not whipped enough— that is a general thing among the Guards when they come aboard— that some were too severe— they wanted to work & he wouldn't work— I don't know how much they work or how little

Q— Were there any convicts punished— any of those that were whipped?

A— I don't know sir I have made it a business to talk to them about it,

The Board adjourned to 9 O'clock a.m. to Monday September 14th—

Monday Sept 14. 1875—

The Board met at 9 a.m. pursuant to adjournment— present— The Governor— The Attorney General & Secretary The Board—

Mr Rose and Mr O'Sullivan —

The Sworn presented a Commonwealth Execution from Mr Asa Bragg — a witness Summoned at the Request of Mr O. Sullivan, stating his ignorance of any of the matters in hearing and desiring to be excused from attendance.

The Court — Now if any person wants any thing he desires to ask Mr Bragg I will send for him anyway.

Mr. O'Sullivan — I summoned him because I think I can prove by him the kicking & cuffing of the convicts.

The Court — Then I will send for him to come up —

— Testimony of Joseph Perry —

Joseph Perry a witness Summoned at the request of Mr O'Sullivan being duly sworn according to Law testified as follows.

The Court — Will you examine the witness Mr O'Sullivan?

Mr O'Sullivan — I would just as lief have you do it Sir.

The Court — Where do you live Mr Perry?

Answer — On the corner of Seventh and Kings

Q — In this city?

A — Yes Sir.

Q — What is your occupation?

A — I keep a grocery Store there.

Q — Have you had any opportunity to know any thing about the management of the State Penitentiary from this time back — to the Institution of November last?

A — Yes Sir — some of all.

Q— Have you been employed in any business in the Penitentiary or about it—?

A— Yes sir— three years,

Q— Have you any transactions with Mr Ward—or any one in his employ?

A— I have had any with Mr Ward except selling him a little groceries— The only time I ever spoke to him— I think in my life—

Q— Did you ever steal bill of groceries for the use of the Penitentiary?

A— I despise do— I am in Main Street clerking for Mr Ward then,

Q— What was the amount of the bill?

A— I don't remember,

Q— Don't remember the amount or price of it—?

A— No sir—

Q— Where was that?

A— It was in 1874— just after the trouble the Brewster Rice Baptist trouble,

Q— Was it before the 18th of November last?

A— Yes sir—

Mr Porter— Will he state any thing about what Mr Ward has ever said to him?

A— No sir; I have not been near the jail business— in four years.

Q— Do you know any thing about the prisoners that are now clothed?

A— I do not Sir,

Q— Do you know how they are hunted?

A— No Sir— I think I have seen one Square of prisoners in a yard,

The Governor— Mr O'Sullivan will you examine the witness as to any matter you may deem proper—? He does not seem to have any general information on the subject.

Mr O'Sullivan Do you know of any Cruelty practiced on the prisoners?

A— No Sir— I do not;

Q— Have you ever been told in your State of certain parties of Cruelty being practiced?

A— Oh: I have heard a great deal of gossip.

Mr Rose— I don't know that that would be necessary We want to have things that people know not what they hear,

Q— Mr O. Sullivan— Where did you hear anything about the Cruelty?

A— Oh: I don't remember the names Mr O Sullivan I have heard a great many speaking of it— but I don't remember now the persons names.

Mr Rose removed his objection to the Conduct of the examination: but waived it and desired Mr O- Sullivan to proceed,

Mr O. Sullivan— You don't know the names of any parties?

The Governor— We have been disposed to let the examination have as much latitude as possible but we have held that only a report Circumstance Some one Connected with the Penitentiary

or who has an opportunity of knowing it—will be excluded from the testimony after the case is in—You can ask the testimony Mr O'Sullivan and he will consider it—when it comes up in this way—then unless it comes from some one who has information direct—he will disregard it—You can ask the question with that understanding

Mr. O. Sullivan (to witness) Can you give the name of any one?

A—I could not give any thing of the kind—I am in business & have heard such gossip spoken in the store—I don't pay any attention to it—I don't suppose there is a man that knows less about it than I do—I only stick to my business.

Q—We are not asking you yourself Mr Parry—but simply if you know any one professing to have information in regard to the treatment of the convicts,

A—I do not.

The Attorney General and Mr Rose respectfully declined to question the witness further.

—Testimony of Paris Franklin—

Paris Franklin (colored) a witness summoned on the request of Mr O'Sullivan being duly sworn according to law testifies as follows—

(By Mr Gunnoe—Where do you live Mr Franklin?

A—Away in the farther end of town in the city of Little Rock.

Q—What is your occupation—What are you engaged in now?

A—Moulding Brick—

Q—For whom are you moulding brick,

A—For Mr Spears

Q—Are you acquainted with Mr Reed the keeper of the Penitentiary?

A— Yes Sir—

Q— Do you know any thing Mr Franklin in reference to that Infringement and Control of the Penetentiary by Mr Ward now running back to the 13th of last November

A— Yes Sir,

Q— Then state how you happened to know any thing = about it— that is whether you have been employed there in any way— or have been there in any Capacity or what

A— Yes Sir— I served there under him,

Q— When were you released from there?

A— fourteenth of March.

Q— This last March?

Mr Rose— I don't understand— Was this person in the penetentiary as a prisoner?

The Court— Yes Sir,

Mr Rose— Then I object to his examination,

Mr Ward— Oh; No Sir!

Mr Rose— Yes Sir!

Mr Ward— He was pardoned

The Court— You went out there on the 14th of March?

A— Yes Sir

Q— Will you state Franklin first from the 13th of last November up to this time you left there in March— November— January —

and February and up to the time you left— in March — Now the prisoners are clothed there

A— They are clothed very well,

Q— When I speak of clothing— I mean clothing upon the body— and shoes and all that you know,

A— They are clothed very well sir,

Q— During the cold weather— the winter weather you understand what that is?

A— Yes sir—

Q— State how those prisoners are supplied with shoes & socks or whether they are supplied or not—

A— They are sir—

Q— Were you supplied?

A Yes sir,

Q— Describe to the Board here the character of clothing— what kind of clothing did you all have?

A— We had woolen shirts— pants— drawers & socks— I have one of the shirts on now

Q— Well state how it was in reference to the provisions that you all have supplied with,

A— We always had plenty— during the time I was there,

Q What was the character of the provision— what kind of bread did you have?

A— Corn; one half the time we had corn bread— & half the time we had of corn bread,

Q— What sort of meat did you have?

A— Beef.

Q— Was the head & meat cooked so you could relish it?

A— Yes sir— if it was not done so the men could cut it then was a fuss— & how to be cooked so they could cut it,

Q— When there was a fuss about it was it cooked well?

A— Yes sir

Q— What sort of work did you do there?

A— I done a few sort of the time, part of the time I moulded brick,

Q— You worked some of the time on the kiln yard there also?

A— Yes sir,

Q— Did you work any on the farm as a hand?

A— Yes sir—

Q— How many hours did you have to work?

A— Twelve hours generally,

Q— What time did you have the penitentiary to work?

A— Some mornings day light— some mornings after day light— some mornings sun up—

Q— What time did you come back generally?

A— Generally about dusk when he would get back,

Q— How long would it take you generally

to walk up—if you walked up from the penitentiary to the brick yard?

A— I don't know how long, it was two miles to the farm

Q— But—in going to the brick yard?

A— About half an hour,

Q— Well how long did it take you to walk to the nearest point on the farm?

A— Well one point of the farm is right there at the brick yard,

Q— Well go up more a little further to the next point of the farm— How long would it take you to walk there?

A— Not more than a quarter of an hour to walk to the next piece of the farm,

Q— In the working time by the day were the prisoners allowed any recess?

A— Yes sir,

Q— How long?

A— sometimes a couple of hours— sometimes an hour at noon—

Q— Do you know any thing of the whipping of the prisoners while you were there?

A— Yes sir— They whipped some,

Q— How many men whipped while you were there?

A I never paid any attention

Q— Did you ever see any whipping?

A. I recollect seeing one

Q— Do you recollect who he was?

A— No: I Dont Recollect.

Q— What time was that?

A— When he was working at the Rock quarry.

Q.— When was that?

Mr Hand— At the Depot?

A— Yes Sir.

Mr. Hand— That was in '73— ?

The Coroner— I will ask you in regard to the time since the 18th of November 1874.— Have you seen any Riots then?

A— No Sir— I dont think I have.

Q— Have you heard of any Dickerys resulting from Whipping?

A— No Sir—

Q— Or any deaths consequent upon Whipping?

A— No Sir.

Q— Just State your ideas as to the treatment of the prisoners from the 18th of November last to the time you left— Was it good— bad— or indifferent?

A— Agreable to my Judgement I think they do as treated well to be prisoners— Mighty well— There has scarcely any whipping done among them as there has'nt been bad— And in that case where they was started out one morning & the Col came up & drove them back— And no one noted that

Cold spell - only just to feed and tend the stock,

Q - State what condition the grounds - the buildings the apartments inside the penitentiary are kept in during the time I speak of -

A - They are kept mighty nice there are they are for sure when I discontinued which kept inside the yard for the purpose of sweeping and the time - keeping the yard clean,

Q - Were any of the buildings - rooms - apartments whitewashed?

A - Yes sir -

Q - How often are they whitewashed?

A - Once I suppose - sometimes - but they are whitewashed pretty tolerable often,

Q - Did you stay in one of the cells at night?

A - Well a long time I did, all the time up to when I went driving a team,

Q - In what condition were the cells kept?

A - The cells were kept mighty nice - Some one, were there every morning, what I - the time they were kept - the cells - by prisoners - they were in the cell - kept for that purpose all the time,

Q - In what condition was the Hospital the place where the sick people went to?

A - The Hospital was second out once a week,

Q - Was it in good condition for the sick people - or in bad condition?

A - It was in very good condition the time I was there,

Q— You were sick in Texas— were you?

A— Yes sir— I was sick there almost a week.

Q— Did you take physic while you were sick?

A— Yes sir—

Q— Who gave it to you?

A— Dr Lemon—

Q— What was the matter with you?

A— I had the chills & fever there— I had the Cholera once— and if it had been for that old gentleman sitting there (pointing to Mr Ward) I would have died I think— Dr Lemon & Ward— Mr Ward brought me in to the Hospital Where that die is into the Hospital we died and he wouldn't let us go in there,

Mr Ward— What was you put in the penitentiary for?

A— Shooting a man,

Mr C Sullivan— Since you were there also any singing since October 13th?

The Witness— November the 13th I do not know time— Time would be two and it is not me take it only from the date of this administration We can testify to have any suggestions in regard to the subject— but that is the law The Committee have taken to go— You— in it so I found that time we would be going testify— any limit at all, this we may have been in error about that & we can testify to have any reasons that might be assigned for a different course,

Do you wish to examine the witness Mr. C. Sullivan?

Mr. C. Sullivan. — Yes sir.

The Court — Judge Rose?

Mr Rose — When you speak of "going out" do you speak of going out with the buggies or the hands going out at that time?

A — The buggies.

Q — At what time do the other hands go out?

A — At four when they go out to work.

Q — What time did the hands get back to the prison?

A — The same men? As they would get back before the dinner hour.

Q — What you speak of getting their horses, you mean at the time they left the prison until they got back do you?

A — Yes sir, after dinner they would be sent to work — they worked by task principally — sometimes one half a task would be done by one in the C. Clock — It would take some longer than others to get done their work —

Q — Some would be done by dinner you say?

A — Yes sir,

Q — Were you not then engaged in actual work — Twelve hours a day — ?

A — Yes sir — not exactly — they just had their task to do and after that was done — they would sit down to rest — they have a place for them to go in summer and rest,

Q— Now— many bricks do you make a day?

The Witness— Some time?— How?

Mr. Rose— Yes sir,

A— Oh! I make $100

Q— Is that a regular days work?

A— Yes sir—

Q— Now many did you make while you were in prison— when you murdered?

A— 2000,

Q— After that you added then the next day?

A— Yes sir,

Q— And has that the luck for the other prisoners?

A— Yes sir— 2000 to the hundred,

——— Testimony of George Washington ———

George— Washington (Colored) a witness summoned at the request of Mr O Sullivan— being duly sworn according to law— testifies as follows—

The Coroner— Mr O Sullivan— is there anything special you wish to ask the witness?

Mr O Sullivan— No sir,

The Coroner— Shall I examine him then generally?

Mr O. Sullivan— If you please sir,

The Coroner— When do you live now Mr Washington?

Answer — In the City.

Q — What are you doing?

A — I am Janitor at the Union School.

Q — Do you know Jim Hall?

A — I do.

Q — Do you know any thing Washington — in reference to the management and Control of the Penitentiary from — both the 1st the 18th of November last?

A — Well yes sir — I know something about it.

Q — How did it — Will you state to the Court and Jury to know any thing about — the management and Control of the Penitentiary?

A — I was living — working with Col Hall in November last,

Q — In November?

A — Yes sir,

Q — In what — way were you working for him?

A — I was guard,

Q — Where did you quit — working there?

A — The first — Day of July —

Q — This last — July?

A — Yes sir,

Q — Now I wish you would state first — how do you as you could see and know — The Convicts was clothed during the time that you were there that — is — as to the shirt — breeches — shoes —

— Socks and so forth— The entire clothing of the Prisoners?

A— Well— As far as I can recollect— I sent them last August— on the 28th day of this last August— as near as I can— and from that time up— as high as January— I don't know— by some means or other— the clothing was not there— The clothing was a little scant up to that time but from that time on— for shirts pantaloons and coats they was I considered— pretty near supplied

Q— About— what time was that— if you can recollect— it— That they were scant— what month or what particular week if you could call it— It mind or weeks as the case may be?

A— I don't know as I could recollect the exact last— along in the month of September—

Q— That is a little further back than we can fix it under our rule— Commence now with the 18th of November and come down towards the present time,

A— I couldn't— Any thing like properly clothed from the time you speak of up to ~~the~~ January— it— was about that time before they were getting any clothing— much— and from that time on— as I said— I consider they were clothed first rate— That is pantaloons— Shirts— and Coats—

Q— From the 18th of November to January you say the clothing was scanty?

A— Yes Sir— it— was scanty up to that time,

Q— Do you know the reason— or if there was any particular reason for it—?

A— I couldn't tell what was the reason— I know as soon as the clothing came into the penitentiary they commenced making clothes & that was along about the first of January— There was not any clothing lying idle at any time— but why it was not there I can't tell,

Q— During the time you speak of the clothing being scant— Can you tell in what respect it was scant— Was it in respect to the Coats— breeches— shoes, or all?

A— It was true in the main & coats— They was all short as high as I can recollect I can't tell the exact— it was somewhere along the first of October if my memory serves me right— it was along the first of October that they was all pretty near short excepting one or two— There was a big colored fellow there named Boston that out of a lot of shoes they have issued here got a pair that he could wear— and then was some arrangement made after they got a little further on along he got him some shoes— Then there was another big colored fellow then I forget his name— if I mistake not he went unexpected sometime I think up to Christmas— pleasing them for the balance was short along in the month of October I think,

Q— Was there much complaint about time & along about the scantiness or want of clothing?

A— Once I heard no complaint only among the prisoners,

Q— Well I say— did they complain much or did you hear much complaint among them,

A— Oh; yes sir, they was always kicking for clothing I did'nt hear no particular— grumbling about it— only kicking & so forth—

Q— do you know of any cases of sickness on account of the want of clothing or the scantiness that I speak of— of clothing— In other

words — did any of the Convicts get sick or have to be sent to the Hospital on account of the lack of clothing?

A — Govenor — that is rather a hard question for me to answer, there was a great deal of personen got sick there — but for me to say it was for the want of clothing or what might have been the cause of their sickness — I don't think I am Read enough for that!

Q — Did you hear any sickness there accounted for by the scantiness of clothing — by any one Connected with the penitentiary by either the Dr. — Guards or ——

A — I never heard the Doctor say any thing about it — I have heard the Convicts say — and I have said myself I think — "Such a man might to have on better clothes" I don't know as he made much to do about it — As I have nothing that Concerns us — Such a man would have on not enough clothes He would be naked — & those all his Nakedness & he would have on no underclothing it looked a little bare but ——

Q — Will you will state if you please in Reference to the feeding of the prisoners — how as to the Supply & kind furnished them and the quality of it — What kind of food & all that,

A — Well they get Beef — and Bread.

Q — What kind of Bread dose they get?

A — Well a portion of the time it was cornbread to be Given — and a portion of the time it was Corn bread, It was a change first — one and then the other, It was considered to be corn meal — but it was corn meal — but the flour I don't know about — that I don't think I can can say it was flour — because

the Guards ever-that I never could Call to-mind,

Q— the guards ever-the same as you?

A— the guards ever-the same as the prisoners did-all
worked at-the same time & by the same rules,

Q— And you have doubt-about-it being three?

A— Oh: Yes, I have doubt about-it being three,

Q— Will what-would you suppose it-was-if you should
give an opinion about-it-?

A— I don't know-it-a mixture of two or three dif
-ferent-kinds- I Cannot tell it-,

Q— Did you eat-much of it-?

A— I would always eat-enough to try & save my
stomach— I would always eat-enough with-
as little of it-as I could,

Q— Now State the Character of the beef which they
had- What-sort-of beef was it?

A— Well the beef they ate do for us I know was
generally round- I never know'd my knowing
but-once or twice of the beef appearing to be
infected-or rotten-ness or any thing of that
kind— I recollect-once or twice after
dinner we had beef that appeared to be rot
ten sort-o'— We complained to the Gardiner
about-it-at-least- I did myself I believe
one or two other guards— He was laughing
at-him about-the beef- I asked him to
come & eat-dinner with them & sort-of—
laughed it-off in that manner— He said he
didn't-know-what-the deputy Governor
would-say-if we complained to him— John Ward was
the man I speak of— The Gardener— You-

—nuds— did any of the convicts get sick or have to be sent to the hospital on account of the lack of clothing?

A— Govern— that is rather a hard question for me to answer, there was a great deal of sickness there— but for me to say it was for the want of clothing or what might have been the cause of the sickness— I don't believe I am ready enough for that,

Q— Did you hear any sickness there accounted for by the scantiness of clothing— by any one connected with the penitentiary by either the D.— Guards or ——

A— I never heard the Doctor say any thing about it— I have heard the convicts say— and I have said myself I think— "such a man ought to have our better clothes" I don't know as he made much to do about it— As for any thing that concerns us— such a man should have an not enough clothes he should be naked— & those are his Rakedness & he would have no underclothing it— would be a little bare but ——

Q— Now you will state if you please in reference to the feeding of the prisoners— both as to the supply of good furnished them and the quality of it— what kind of food & all that,

A— Well they get Beef— and Bread.

Q— What kind of Bread do they get?

A— Well a portion of the time it was considered to be flour— and a portion of the time it was corn bread, It was a change first— one and then the other, It was considered to be corn meal— but it was corn meal— but the flour I don't know about— that I don't think I can say it was flour— because

the Guards out-that I never could care it-flour,

Q— the grounds out-the same as 3m?

A— the grounds out-the same as the previous dish-ave
baked at-the same time & by the same cooks,

Q— And you have doubt-about-it being flour?

A— Oh: yes, I have doubts about-it being flour,

Q— Will what-would you suppose it-was—if you should
give an opinion about-it?

A— I don't-know-it— a mixture of two or three dif-
-ferent-kinds— I should call it,

Q— Did you eat-much of it-?

A— I would always eat-enough to try & save my
stomach— I would always eat-thought-not-
as little of it-as I could,

Q— Now state the character of the beef which they
had— What-sort-of beef was it?

A— Well the beef they ate do for us I know was
generally pounds— I never known to my knowing
but-once or twice of the beef appearing to be
infected-or rotten-ways or any thing of that
kind— I recollect-once or twice after
dinner we had beef that appeared to be rot-
ten sort-o'— We complained to the Gardner
about-it-at-least-I did myself & believe
some or two other grounds— He was laughing
at-him about-milk beef— & asked him to
come & eat-dinner with them & sort-of—
laughed it-off in that manner— He said he
didn't-know-what-the depot-Master
would-send such beef for— John Ward was
the man I speak of— The Gardener— for-

Merely was joking him about it- and told him to come + eat- dinner with us a Remark of that kind "He had myself gone beef" He seen he had ordered the Deputy to never Receive such beef and he didn't know what he received it- for and he wanted attend to it- from- this out- himself if he didn't do better,

Q- How often was that Washington?

A- Well I don't- Recollect as he had Spoken beef- more than three times- but as I Recollect I Recollect- about- three times he had beef- that was Refused- The beef he was Ordered ex- -Cusing that three times so far as I can Recollect- I don't- pretend to say it was the last- beef in the Market,

Q- Well- when you complained to the Gover- -nor about it- that it when you Joked him by a telling him to come to dinner with you- did he do any thing in Re- -gard to it-?

A- Well: he cautioned the (deputy-) Gardner about- Receiving any such meat- & he said had ordered him not- to do it- & saw he didn't- allow it- He didn't Receive any such meat-,

Mr C. Sullivan- Col Ward Seine Do?

A- Yes Sir- John Ward- the Gardner- I never heard Col Ward say any thing about the Rations- no way-

The Coroner- How many cases of whip- -ping did you See- while you were- there from the 13th of November up- to the time you Quit-?

A, Oh! Governor - That is a question I could'nt answer I would be unable to say how many times, - I dare there - ten months -

Q - I mean from the 18th of November up to the time you quit - Could'nt you guess about how many?

A - Well: now some nights may be there would be ten or fifteen or twelve - and again there - would be maybe - one or two & so forth & so on that way - and occasionally we would get a hand in the cotton patch - & I had work on me to keep account of the whippings that were on in that - time -

Q - The whippings that occured from this time that you had any knowledge about - How were they given - That is what kind of an instrument was used in giving a whipping?

A - They had a large leather strap -

Q - Was the prisoner whipped on the bare skin with his clothes on - or otherwise - How was he shapped?

A - They would always tie their hands & back there - drop their pants & tie their shirt on their head - Then of course - they were laying down on their side when they buckra them,

Q - Well were those whippings you speak of an unusual - severe - character - or were any of them of that sort? - I suppose probably some would be more so than others - but were any of them what you would call of an unusual - severe - character?

A - Well - there were two or three men - that I not only thought it - but - know it, that were whipped unusual,

Q— State the name of the man if you can remember them—and how the whipping was given— and who gave it—,

A— Well there was one white man by the name of Carter—but I forget his given name— his name was Carter he was whipped pretty severe at one time—

Q— Do you recollect when that was?

A— I mistake not it was in the month of— it was in— it was in the Latter of March or the 1st of April—one or the other,

Q— This last—?

A Yes Sir—

Q— What was he whipped for—? What did he do to bring the whipping upon him?

A— Well he worked with me—that is at last— he worked in my Yard—& he had but the usual complaints for a mule or such a matter and running off & hanging around—and one night—in his cell—he I suppose got in one of those ways & took any mind very much in his dress and the Watchman reported him for it— That was all that I ever learned that he was whipped about—

Q— Who administered the whipping

A— Mr Ford—

Q— Which one?

A— Billy Ford—Col Ford's son— He first reported him to John Ford about it—

and John Reed made put him off - that if he did he would be mad at him for it - a dime say - but it went on for several times and he didn't want it so at length he dropped him & Billy Reed after that - but that morning Carter kept drooping round - I spoke to him once and said "Carter you look like you needed to play off - with me to day" and he just smiled & said "No sir - I am willing to work" - and I knew said any thing more to him and he picked up a stick + went to work again + I didn't say any thing more to him for awhile + when I turned I saw him again he had his axe setting down on the ground + he was leaning on the helve of it - and he stood there five or ten minutes + I didn't say any thing to him. I expected he was sick - and then I asked him - said I - "Carter what do you mean by laying around here this morning in this kind of a way - If you don't go to work - I give report - you to the warden, you know I and - have any such foolishness around me - He said - "I know it - Mr Washington but - if you knew what was the matter with me you wouldn't - like for me to work - as I have always been working - I asked what was the matter with him and he said Mr Reed whipped him last - night - and he says - I am not able to work - "Well" says I - I am not the one

he report it to Mr John Mack? I am not the one to tell about you doing or any thing ailing you that is no place to complain when he gives me a report of mine the effect that I am to work" "Well" he says "I am not able to work" Well he kept drooping around till I asked him to see if he was to bad on that knee he slip his pants down and that is the way I came to know he was unable to work, I never bothered him any more about work that day

Q Well when he shipped his pants down what was the appearance when you discovered he had been whipped - Tell about it

A Well all his bottom - well a place I reckon as big as both my hands at the time he shipped his pants down that morning I couldn't tell then whether he had any skin on or not - That - big of a place was just like a piece of liver beef or any thing of that kind

Q - This that on both sides of his bottom or just on one?

A - It was more on one than on the other - one was a little but not so bad on both sides according to my recollection,

Q - Was there any appearance of that any where else except upon those parts?

A - No sir, just morning I told Mr John Mack he was the principal he was - I told him I thought Carter ought to stay in - He was whipped pretty bad, I never knew any thing to Carter as if I thought there was any thing done amiss with him - I just talked

to him as if he deserved it- but previous to that I told Mr John Ward, he ought to stay in- I don't know as Mr John Ward knew he was whipped that day- I told him he was not inside when he was whipped- The next morning he kept him inside- didn't send him out- He went to the Doctor that day- The doctor any day was giving him medicine for his bowels- He was taking medicine all along- So he took it upon- ~~him~~ to the doctor any day about his ordinary medicine- & he showed him that place that was whipped so bad- and he gave him some soap to rub it with- at least- left- direction.

Q- How long did he stay in- that is how long did he remain in the woods without going out- to work again?

A- I couldn't exactly recollect that- Govern- He staid in though I think some 7 or eight days- somewhere along about- time as nigh- as I can recollect- I recollect he came back to work with me. When he came out- last- to say this I could not- I reckon some seven or eight days- I missed him about- that time

Q- Now Huntington if you know of any other cases of unusual whipping or punishment- state them as you have this- who it was- the- character of the punishment- who received it- and about- for-

A- There was another white man that was whipped equal about- that night- but- he didn't- work with me and about- his name was I can't- recollect- Eight- now,

Q- Who administered that whipping?

A- Mr Ward- the same man,

Q— Billy Hand?

A— Yes sir.

Q— What for?

A— For the same performance— breaking into the cell over night

Q— Did you examine him as you did Carter?

A— I just-seed it— The man he was working for has runned Newspaper and he was telling me about it— and I seen he was whipped just- like Carter was

Q— Has he disabled your work in consequence of it too?

A— Yes sir— he stopped in a few days too but- I don't- recollect- exactly how many days.

Q— You don't- recollect his name?

A— No sir— I couldn't- recollect his name right- now I couldn't- recollect his name.

Q— About- what- time was that Tuesday?

A— It was the same night.

Q— You say he was about as Carter was?

A Yes sir—

Q— Do you know of any others State the Cases,

A— Well there was a colored man in there by the name of Tom Young— I seen seed the effects of his whipping

I was inside there though when they was whipping him—but I never seed his backbones to see how it was,

Q— What was he whipped for?

A— Well there was another prisoner got away that day and I suppose they Suttun thought that he knowed something about it—how he got away or by what means he got away and wanted him to tell something about it—and he stuck out he didn't know he was going away—They both was Gaoliers and they carried some things to the landing for Mr Robinson of Modena that day—They carried his house furniture what he used to have at the Penitentiary—The man who runs off was named Smith—He never came back—Mr Hurd—thought Some Jenny was engaged in his going off or knew or could tell him something about it—

Q— Who whipped Jenny?

A— Well both the Hurds whipped him

Q— Both John and Silliam?

A— Yes sir.

Q— One after the other, or at different times?

A— Both whipped him the same after the same time

Q— Did Jenny tell that he knew any thing about the man's getting away—Or just from knowing about that?

A— No sir, he never engaged—He since he never knew he was going away or any thing of the kind.

Q— Just if there were any others— any other whippings of that character tell all you know about— those the time— & circumstance and all,

A— There was another Colored man there— I dont say that the whipping was the occasion of his death— but— I dont know— he was— whipped pretty severely— If I mistake not Mr Ward whipped him from about half past— two to the last whipping he gave was about— half past— six in the evening & about the hour of eight— or between seven & eight he died,

Q— What was his name?

A— His name was Smith— Henry Smith Jr— his name was not Henry— It was Smith Tho

(In answer to Mr Rose's inquiry the witness repeated)

The first whipping was at half past— two & the last at six and there was not another hour during the time that they did'nt— whip him

Mr C. Sullivan— When did you say he died?

A— Between— seven and eight— ~~Wednesday~~ evening

The Court— In what month was that?

A— If I mistake not— that must have been in June— It was in June a short time the latter of May, the was changing new Cotton the first time

Q— Which one of the men Ward whipped him?

A— John Ward—

Q- Was he in your squad?

A In Dec

Q- Whose squad was he in if you recollect?

A- He was in a green's squad by the name of — I know his name might well-but-it-has slipped my memory just-now—

Mr. Rose— Foster?

A- Foster— that is the man, his squad & mine were having cotton in rows-side by side

The Court- Did you examine him at the time he was whipped or during the whipping?— Did you see his person?

A— I was right-there at the time he was whipped but— I did'nt examine him,

Q- You didn't examine him as you did Foster and this——?

A— In Dec- to commence on—this man claimed to be sick was the reason why Mr Foster kept-giving him those whippings that we were— He had been complaining for a day or two-and the fact is prior to that time a few days and the Dr. marked the man for duty- and when he marked a man for duty- John Grand didn't ask him any questions-whether he was going to go or stay-when the doctor marks him for duty he is going & when he gets to the camp-if-he leaves him inside & reports him to the doctor and if the doctor reports him for work the next morning he has got to go if he is kept in on the sick list-by the doctor. to examine if he marks you—

— "duty" The Jurors must ask you any thing about whether you can or can't go according to the Doctors direction — This man was complaining for two or three days after he came out — and he was a very stout born kind of a man — Mulish-headed kind of man, and on the 2d hour marked him for duty — The Court told me he didn't believe he was sick as he made out — a mitter did I believe it — for he worked for me a good deal of time — He was a mighty mean man, stubborn — mulish — that man was and inclined always to have his way — and I — Ecknow he was sicker than he would own aware of — He never treated any of the rest of the men that way in the field — He thought he was playing off — with his mulish disposition on him and he made up his mind that he could whip as long as he could play mulish — So he would take him down and whip him — until he would promise to get up — & go to work — & he would work on maybe two or three minutes & he would quit & would'nt get up — & go to work until he would whip him again — and whenever he would whip him again — he would get up & work two or three minutes & quit around: and it was on from holy part — two to quitting time — at Rif — that way.

Q — And he died that night — at night — 6 o'clock?

A — Well I think it was a little before night — As he was going from the farm he fell up here at the brick yard — and he left — a friend — Foster — there with him and he came on with the balance of the hands, & they came along with him about — night — He was a corpse when he came in — It was not quite dark

When he left- him at the brick yard- that is the reason I say he died somewhere between seven & eight o'clock along about- that hour.

Q- Well- any more of these cases? just- state them in your own way- all that you know about,

A- Well that was the balance of the whippings that I- I have stated- the balance of the whippings- that I can recollect- all the whippings I undertook on and state

Q- Well we must- you to state those that you regarded as being unusual or as being severe- out- of the ordinary or average whipping- You have stated now I believe- three or four- do you know of any more?

A- I don't- know of any more that got- any unusual whippings-

Q- What- if you know was the general average mode of whipping there- How many lashes- how many licks were given- If there was any rule about it,

A- Well I don't- know that there was any rule there about- whipping, If there was I never learned it- but just- for any common ordinary thing- the Overseer used his own feelings about it- As far as I looked at it,

Q- Didn't seem to be any rule about it?

A- No rule about it just- his own conscience as far as I could see it- just- for any little common things- a man not obeying any little order or any thing of that kind- or maybe not- working as he should have worked- I never knew the Hand to hit- any one of them more than forty licks about forty licks is about as high as I can know them to

hit- one of them about- any thing of that kind,

Q- In what- condition generally was the fence Centering kept- in do you or Cleanliness was on Carried- The apartment- there - the Cells - Hospital Dining Room and all the inside of the Penitentiary

A- The dining room was kept in very good fit, the Cells was kept- in tolerable good order- or up to- along the latter of March & the first of April they- was given up then & all cleaned & whitewashed all over nicely- If I mistake not along about that time I think it- was in April or somewhere along in April.

Q- The work done by convicts was generally by tasks assigned was it-?

A- Only in the brick yard as I know of-

Q- That was not the case on the farm?

A- In Deed.

Q- Tell about- how many hours of the day were they worked upon the farm during this time?

A- Oh there was no limit- If we could get out there before dinner up- he worked to just time to get in before dark- Without Counting- Without- too great- a Crowd- he did not want to Lose,

Q- How did you hear any of the Cost- while you were up there on the farm?

A- Costs just while they Cried out Dinner and get up- + go to work-

Q- How long generally would that be- there Costing spell?

about fifteen - about twenty or thirty minutes somewhere along there - know this I speak of up to the fire of July I don't know what they have done since then.

Q - The work on the kick yard was by task?

A - Yes sir the muckers work by task & of course that put the muckwheelers & the whole kick yard pretty much by task - excepting it was the pit-diggers - of course they was not limited to particularly - they didn't have any particular task - but all that was connected with the yard was regulated pretty much by the muckers -

Q - That is they had tasks assigned them - did they generally get through before time to go back?

A - The muckers generally got through about three or half past three o'clock in the evening - sometimes a little earlier - sometimes a little later -

Q - When through with their tasks were they put to additional tasks or just left to idle away?

A - They had nothing else to do, only just to finish their tasks

Q - Now taking it all together Mr Harrington let me ask you - you state & believe to be the only remaining question I can think of - from what you saw & knew, would you pronounce the treatment to be severe or kind - or what would you call it -?

A - Well Governor - that is - take it as a general thing now I look at it - there was some things done that I considered to be severe - and some things - again that looked like it - was done in accordance with what should be - there was some punishment - done that I think should not have been done - but - for a man to go amongst a parcel of prisoners that may & not punish them sometimes as they ought - is some men come there that may be contrary

and unruly and breaking rules & all those kind of things.

Q— Well just-suppose now any one were to meet-you and ask you whether during your time there—the treatment of the prisoners in general has been—or good—what would be your answer? What is the only way we can get-at-it—if some one should meet-you & ask you the question,

A— Well I will just-say here now-& I did before that take the prison as a whole—so far as test would goes concerned—I don't-see where that any prison so far as I could see be able to learn about-him could take the prison & do much better with it—I don't say that any thing that has done there was agreeable to test would-notion; I don't-know any thing about-that—I don't-know whether it-was or not—but-it-didn't-seem so, I have never seen test used—and I think that ten months—punish no person—without it was by caning—he got-enough of that—but I never heard him direct-no person to do no severe punishment—what-he did do-I couldn't-say—I never heard it-

Q— There is another question—Do you know of any of the convicts—leaving sick from here being-un worked?—I believe however I asked that before,

A— Well now they have a good deal of sickness there along in the months of May and June—I don't-think it-was from the bad water they have to drink—he couldn't get-it—it-was impossible to get-good water there—he couldn't do it—the water come from about-a mile & a-half or a little better—come from an iron pipe,

Q— You are speaking of the spring?

A— Yes sir—the water was clear & nice tasted

Inder but it was so awful warm that it seemed to me that the sickness they had was just purging and diarrhea continually — I said it to the victuals and water — it was not fit for such hard living — he did not say so he had driving on the farm to do so much or die — it was to do what you did or to be done as it was ordered to be done but there was no task in it — Of course a man was not fit for sit down — he was to keep at work & what for do do it properly

The Govr — Mr Naylor?

The Attorney General — Do you know what business or duty it was — to inflict the punishment — or the whipping there?

A — The Governor sir —

Q — Who is the warden?

A — John Ward

Q — Did you ever speak of William Ward doing some whipping as he an officer of the penitentiary?

A — He was a deputy Warden,

The Governor — They are both dead of Col Seth Ward —?

A — No sir — William Ward is — John Ward is no relation,

The Govr — Mr O'Sullivan will you ask the witness any questions?

Mr O'Sullivan — Just one sir — (To witness) Beside those you have told of being whipped — you have known of a great many others being whipped?

A — oh! of course I know of several of them being whipped — but I spoke of the unnecessary

whipping — what I considered brutality — that I considered a wrong — This man Carter — I do know that he got that bad whipping wrongfully — because I would notice him operate when he turned step aside — he had a kind of complaint in his bowels — that when he come to purge, there was a great deal of wind & he couldn't help it, & I do know a man locked up in his cell all night & three long nights — he couldn't restrain himself not in his condition because I know Carter was not able to help it — he didn't do so on purpose and this whipping of Dan Jones that I speak of — because him & this man were both friendless — they trusted them both, and Dan one was a guard over the other — he laid up I reckon — I don't know how long he laid up there — he laid up two or three weeks from his whipping — but I don't know, I never saw his skin

Q — did prisoner ever complain of want of enough to eat?

A — Well I would hear some of them some times say — they hadn't enough to eat at some meals — and some meals again I would hear nothing — Well I think I have common judgment about feeling as much as any body — ever since I have known I considered there was always a plenty — Of course at night — they got their bread and water — Breakfast — they got Beef and bread and coffee.

Q — Did Mr Washington — has their clothing — up to January — when you mention they got new clothing — of such a character as to make them look decent — hide their persons?

A — Oh! well no sir — there was a great many of them that was very bare — a great many of them they tie up — & patched & patched the old

Clothes till patches & old clothes & old patches till even out till for some reason new clothing come in — They seemed to patch & make it hold out as long as they could — As soon as they got new cloth they began to sew them just as fast as two or three hands could make clothes,

Q — Were the clothes clean? Could they be kept clean?

A — Well up to the time I speak of they didn't use come out with clean clothes on every Sunday but so far as clothes would hold out, he was properly made to wash every Sunday morning & so far as clean shirts would go — why there was clean shirts issued,

Q — Did you ever notice any of them go out to work during the winter months up to February & March without shoes?

The Witness — Months of February and March?

Mr C. Sullivan Any where along during the cold weather?

A — Well there was — No sir — not as I recollect of — not in that months was along there — I first saw the men there was one or two that went up — they went up along until towards Christmas — They couldn't get in shoes out of about lots of shoes there are there they could'nt get them until the last part part of December or another was got there — different shoes from where they bought,

Mr Rose — About what months was it — there two men went away without shoes?

A — Well judge — he'd I didn't — A that they went from the first of December — yes sir — they did for three where about in there — They went — backwarded until some where up there — until they got shoes —

Q — Till about the first of December?

A, Some where about- there,

Q— Did they have to have a Last- to make them?

A— I cant tell what arrangement- they made I heard the Colonel cursing them one morning and telling them— "Go down there he's got a side of Sole leather & get- some shoes for them! and the next- morning the man named Bates had a pair of shoes, I dont- know where they got- them— or what- arrangement the Colonel made— but- after so long a time he kept- a fighting he fitted them some how or another— or some where— I dont- know how he done it— It took an uncommon shoe— I know they made Several efforts to get- shoes for them they couldn't- get- them out- of the four or five or six or how many kinds of shoes they have there— If I mistake not he came down town once & got- some shoes & didn't- get- any when to get- them but- made some effort- after that & fitted them.

Q— How long were the shoes when they got- them?

A— I dont- know Judge— I never measured them— The prisoners all laughed & made a good deal of fun of them— I just- saw them— I didn't- pay no attention to so much as that in particular— They looked like they might- be about- fifteen or sixteen or something like that— There was one pair I know he had them made— at least- his Merchant must- keep many such kind as that in a store— The Colonel didn't- keep any Leather to make shoes himself—,

Q— State particularly what- month it was that Carter & This man were punished?

A— I drive in the Latter of March

a sometime in april it was along in there I rather place my mind it was in april—

Q— Whose opinion was he in?

A— Later was in mine,

Q— Who was the other

A— One of those while fellows I spoke of— being whipped was three in Mr Rogers squad,

Q— Did that man Smith work in your squad some time?

A— Yes sir—

Q— What was the character of the man?

A— I just now said that he was a very hard headed kind of man,

Q— Was it not very hard to make him work at all?

A— Well yes sir I leave states here that I thought that was the cause of Mr Ward having to whip him because he was hard headed & inclined to do as he pleased & always did not want to do no matter what was right— and I said when he complained of being sick— Mr Ward would not believe him because he have been so stubborn and do hard to manage— Well Mr Ward told me he did not believe he was sick— he spoke to me two or three times about it that evening & said he believed he was playing off on him,

Q— Was he not in the habit of cursing the Guards?

A— Well he cursed me three two or three times, I dont know of his cursing any of the rest,

Q— Didnt you upset him almost any day for his conduct?

A— Well I reported him — I had Mr Ward take him out of my sight — He could get along with some of the guards but he couldn't get along with me — and I told Mr Johns Ward it was best to give him to some of the best I knows he did do — It was a very contary man,

Q— You didn't think he was sick, Yourself, did you?

A— Well no sir — I didn't think he was as sick as he made out — I thought maybe he was sort-o-mite sick — toward the latter part of the evening I began to think so — he was whipped so many times — Mr Ward told me his pulse was just as good as his, & finally asked me to feel his pulse & as far as my judgement let me — it appeared to be as good as any other able bodied man's pulse — He was hearty & had always been eating his rations the same as the rest — I forget whether he ate that day at dinner or not,

Mr Rose — Were not the guards generally afraid of him?

Mr Ward — Did any of the Guards want him in their sight?

A— Well none of the guards wanted to have with him — No one could get along with him A Guard didn't care about deviling his life out to get him along: and when he did so — he didn't do proper — As I said before it was his former Conduct that made Mr Ward serve him so that day — it was his mean ways — He wasn't the only man that got sick in the field & fell sick & had to give up — I reckon in the month of May & the first of June several of them got sick in the field any day and I mean be them ship any of the balance of them

if they would come & complain & keep complaining of being sick - they would return them in with a guard & do some nog & leave them for the doctor - and if he didn't mark them on the sick list - he took to go - & the doctor marked them for duty - he generally carried them out to work

Mr Rose - You say there would be sometimes a number of a night - Did they whip any night -?

A - Oh! Yes sir - but sometimes it would come into a great rush - maybe 20 night time - 20 night two or three. & sometimes fifteen or twenty - it was a kind of hurry like a little rush of wind come along something has occured from one guard to another - one reporting one or two - another two or three and another one - and when they all get together it makes a right smart little bunch for the hands to run over at night, but I don't speak of all those whippings being of an abusive character - maybe some whippings would be light - some for swearing or talking too much or something like that - He man got any barbarous punishments for misconduct like that - They would get sometimes for cursing & swearing - That was not allowed - It was against orders - They would get fifteen or twenty licks & thirty - I don't think any of them got over forty for such a character of crimes as that,

Q - Do you know how many acres of land was in cultivation up there in the farm?

Mr Ward - Altogether I mean,

A - Well I guess he had in - I don't know I never heard it mentioned particularly - but then there has been some guessing - I suppose estimated - At my estimation he had some where in the neighborhood of seven - eight - five & six hundred acres it may be

— more than that, or not so much,

Mr. Rose — Do you think the discipline of the — prison would be kept up without a good — deal of punishment —?

A — It is a hard matter to keep up a prison with- out punishment —

Mr. Ward — Pretty hard to do it — with it, so is not?

A — There is a parcel of all kind of characters gath- ered up there for one man to control with, a man who isn't used to a prison doesn't un- derstand the characters that arise to provoke a fracas to a great deal of anger — Perhaps the first thing he knows — Friendly fuss — or they are engaged to make a break — or fixing plans & have plotted it — & by some Judas be- ing in a hurry — They would be betrayed,

Q — How many men were on the farm to cultivate that five or six hundred acres?

A — Well — I think we generally run a hundred and twenty seven hoes — & all the main hoe- ing time — from the commencement — Then we commenced with eighty seven hoes the next hundy hoy why on the cotton not more than a third the first time & then on one Saturday we picked twenty six hoes — It about ran a hundred & twenty five to a hundred & twenty seven hoes & we continued them to the last day of June when we left them — & he even some 30 odd plows — I forget how many — about twenty eight — or thirty — I think — somewhere along in there — don't know so well — about the plows I never was amongst them — I was principally among the hoe hands — I know a good deal about that,

Q- How much land ought one man to cultivate? You are a farmer - I mean outside the prison What- is considered a crop for a man?

A— A man ought- to cultivate two or three acres very handy — Or- it according to what- is planted in them - what a man ought- to cultivate,

Q— If it- was corn - could it- be cultivated handy?

A— If it- was corn - a man could cultivate twenty five acres as easy as ten,

Q— Divide it- in Corn & cotton,

A— Well to divide in corn & cotton - an able bodied man ought- to cultivate ten acres in cotton & five in corn - That- is just what a man ought- to cultivate,

Q— If fifteen acres to a man - he had a hundred & fifty three; it cultivate six hundred acres then?

A— Well I don't say positively you had just six hundred - I don't know that,

Q— He had seven hundred - Have'nt- they clearing up brush a good deal & tearing their clothes pretty bad - those months you speak of?

A— Yes sir - tearing - & working up log heaps - would use up their shoes - Prisoners sometimes do appear to me like a kind of cattle They would walk right in the fire & burn up their shoes a good deal - some of it- they couldn't- help - They would have to go up in pretty hot places to keep up the fire, we have to correct them & make them keep out of the fire & do right,

Q— You never expected either of those cases -

You spoke of it to me- a time- which you consider it have been of capital punishment?

A— Yes Sir- You were not about when they was punished; They wasn't expected to you, when Tom Young was whipped— You were not in the City-

Q— Where was I when the other man was whipped?

A— At your residence or somewhere-

Mr Ward- I was in Kentucky- I was on the farm nearly every day though,

The Witness— When you were at home you were pretty sure to go on the farm every day- two days- not of course— It seemed to me you were there pretty near all the time,

Q— But you didn't report to me?

A— No Sir- never reported to you,

Q— You reported Smith to me once?

A— Yes Sir- about his cursing & so on,

Mr Ward— That was all right— it was your duty to report to the Warden,

Testimony of Asa R- Bragg.-

Asa R— Bragg— a witness summoned at the request of Mr C Sullivan- being duly sworn according to Law- testified as follows—

The Governor— Mr C Sullivan I believe you have Mr Bragg- summoned— interrogate him if you please in reference to any thing you want—

Mr. O Sullivan — Mr Bragg — Did you ever see a Convict — pitched or kicked — near the Depot?

The Witness — Am I to say at what time?

Mr. O Sullivan — Yes — if you can name the time. Did you see any of them whipped or beaten since the 15th of November?

A — No Sir,

Q — Or kicked?

A No Sir,

Mr. O. Sullivan, — Shall I believe I am not allowed to go further back in the testimony?

The Governor — No Sir — He did not deem us responsible for any thing before that.

— Testimony of John Martin —

John Martin a Witness summoned at the request of Mr. O. Sullivan — being duly sworn according to Law — testified as follows:

The Governor — Mr O. Sullivan will you introduce Mr Martin?

Mr O. Sullivan. I prefer that you should do so Governor.

The Governor — Where do you live Mr Martin?

A — Here in the City Sir —

Q — What is your occupation Sir?

A— I have not been doing any thing for the last three months— I have been going to the Springs back & forth in a waggon,

Q— Were you at any time since the 18th of last November— been employed in any capacity in & about the Penitentiary?

A— In die— never— only at the Coal Mines—

Q— You haven't been engaged here at the Penitentiary— proper?

A— For the last two years I haven't been employed at the Penitentiary at all— This September— a year ago— I was working for Moore & Peck— at the Coal mines,

Q— Were you since the 18th of November last— been working for the Coal Mines or for the Penitentiary?

A— I went to the Coal Mines the 19th of September last & kept about the 11th of January, it was a little after the first,

Q— Which Coal Mines are those you speak of?

A— The Cuttis—

Q— Did you go there as a Guard of this Laundry in what way did you go?

A— Well: how I come to go up there— Gentry— Ward— he was taken down with his leg— & the Colonel came to me & said he couldn't get any one to go up; & he would like to have me go up in charge of the men, & I went up & staid awhile till Bill came back, & a while after Bill came back,

Q— You took them up I understand the charge

of the Convicts working on the Ouita Coal mines while you were there?

A— Yes sir— there is where I was employed—

Q— State how those Convicts under your Charge & superintendance were clothed.

A— Well sir— they were clothed pretty Comfy part of the time I was there— for about thirty Days I don't believe they had any change.

Q— What kind of clothing did they have on as a general rule?

A— Some of them had on overhauls— & some had on stripes & cotton shirts.

Q— Was the clothing what you would consider Valuable for the Season— or for the time that you were there?

A— No sir— it was not— It was real cold—

Q— How about their Shoes and Socks?

A— They had no Socks at all,

Q— How about their Shoes?

A— Well some of them went down into the pit— barefooted— They that had shoes— of course wore them down

Q— Those that went barefooted— Did they do so because they didn't have shoes to wear?

A— They went because they didn't have no shoes to wear,

Q— Do you know how they were fed— The character of food they received & the quantity of it?

A— Sure they used to get such as laborers generally get— such as the laboring class of people generally

get— they got while I was there,

Q— Did they get enough of it?

A— I suppose so— they never grumbled— the apartment they stopped in was a little way from where we ate— and they used to cry out— sometimes for more bread— or something like that— & I would tell the Cook to go & get more bread.

Q— They received then the character of good— what laboring people generally get?

A— Yes sir: but of course they didn't receive it— in the style of outside laborers— of course they received it— in a bulk— all together,

Q— Did they work by the hour or day— or by task?

A— They worked by task—

Q— What was the task?—

A— Some was fifty buckets— some was forty five in a day—

Q— Were they generally able to perform the task assigned them?

A— Well some of them were not— they will and lay idle half the day— or not half the day— but an hour or two in the day— and some of them of course would shirk,

Q— Did you regard the tasks assigned as being heavy tasks?

A— Of some of them I did,

Q— Of what portion of them did you regard the tasks as being heavy & burdensome?

A— Well I thought—a man ought not—to be flogged every evening for the same task—I thought—if he could do the task he would'n't—be flogged any evening I know I had sometimes to flog a man every evening,

Q— Did you regard the task assigned him as one he could have performed if he would?

A— I was never down in the coal mine in my life & I could'nt tell what was underneath the ground—

Q— Did you regard it—your duty to whip him whether you thought—he tried to do his duty or not?

A— That was my orders— if they did'nt get out—the work— to whip them,

Q— How many did you have?

A— Twenty two,

Q— How many out—of those twenty two did you regard as having heavy tasks to perform?

The Witness— To get out the full Tasks?

The Governor— Yes Sir,

A— I had between nine & ten—I believe,

Q— Out of that twenty two?

A— Yes Sir— The others were all invalids—or cripples or one thing or another & you couldn't expect a full task from them,

Q— What do you call a full task?

A— fifty bushels,

Q— from your knowledge of that kind of work—

did you regard that as being a heavy task for an able bodied man?

A— In deed— from what they said themselves— I would drop around & encourage in the building & hear them laughing about it— & saying they could read and one thing or another—

Q— You didn't go down yourself?

A— No sir.

Q— What disposition did you make of them at night, when not at work?

A— I had to bring them up about dusk & lock them up— We locked them all in one room to gether,

Q— How were they provided in that room?

A— They had bunks— one over another,

Q— Was the room comfortable for them during the night?

A— It was pretty cool in winter— It was built— on the Stockade order— built up just logs put together and planked around the outside,

Q— Did they have with them in their bunks— the same bedding that they had at the penitentiary— Did they take that up with them?

A— Yes sir— each man had two blankets— double blankets—

Q— Did that constitute his bedding?

A— Well he had a mattress under it- filled with straw

Q— They were carried up from the penitentiary with them?

A— They were up there - when I went up there with them — How they got there — I don't know,

Q— Did any of them escape while they were up there?

A— One escaped from me while I was there,

Q— How did that happen?

A— Well we made a kind of trusty of him, our engine broke down & I gave him to the Engineer to help fix the Engine — & I went off with one or two more — & when I came back — he was gone,

Q— He was left with the Engineer was he?

A— Yes sir — The Engineer went down the shaft & when he came up he was gone,

Mr Ward— What was his name?

A— Charley Northrop,

The Governor— Were any of them — if you do, know many sick up there of those twenty two?

A— I have five sick at one time,

Q— Of what did they complain?

A— Well they complained of fever — pain in their side,

Q— Do you know that any of them were sick from being over worked?

A— No Sir— I cant say that they were,

Q— Were any of them whipped while you were up there?

A— Yes Sir,

Q— Were any of them whipped in an unusual or severe way?

A— Well one time; one of them was whipped pretty heavy I thought,

Q— State how he was whipped— who whipped him— and what for,

A— Well he was whipped by Mr Ward, he was whipped for talking to one of the others in there— and giving him some slang— He threatened him several times before & he had one whipping laid off for him already— & he told him then he would give him a double team,

Q— How did he whip him— & what was the effect of it— if you saw,

A— He whipped him with a strap,

Q— Did you see him after he was whipped?

A— Yes Sir—

Q— What was his appearance?

A— Well— he was pretty near blistered,

Q— On what part of his body?

A— On his buttocks,

Q— Both of them?

A— Yes sir,

Q— Was he injured from it— so that he could not work, or—

A— No sir,

Q— Or couldn't get about?

A— Oh he could go about of course— he could get about all the time,

Q— Was there any other cases that you regarded as unusual whipping?

A— No sir— all the time I was there— that was the only severe whipping I ever saw— the usual run was ten— or fifteen— or twenty lashes,

Q— When you left— they were still there— you didn't bring them back?

A— No sir— I left— them there,

The Attorney General— Do you know of any injuries received from that rack by the convicts?

A— No sir— none that I know myself—

Q— How do they get the Coal over— Do they stand erect?

A— No sir, they couldn't— they sometimes they stood erect— or not— only what— I heard them say that they had to crawl on all fours to get it,

Q— On their knees?

A— Yes sir,

Q— Do you know of any whipping— any injury

Q- Was there Swelling in enlargement of Both Knee Joints?

A- Well I believe one or two of the times I was- there had Swelled Joints about the ankles,

Q- Was it of a Serious & permanent character?

A- Well they got over it- for me,

Q- Any other injuries you know of- Received while at- work- in that way?

A- No Sir- There was only One Man- Came Plate fell on his arm- & he Came to the Shaft- and hollood up- & I brought him up on the Cage- and the Dr. was Sent him there for awhile- and then John Ward- he Came up there & I told him about it- & he Said he thought he would get over it- up- there- & I Saw he was getting no better & I wrote down to the Colonel about him- & So we Sent him down here to the prison- His name was Hunter,

The Court- Mr O Sullivan will you interrogate the witness?

Mr O Sullivan- You Said many arm broken?

A- No Sir- it- was not- broken but- it- fractured the bone Through,

Q- Did he have any Dr. to attend to him out there?

The witness, (while he was there?

Mr O Sullivan- Yes Sir,

A- No Sir,

Q- How long was he there before he

has sent down to the penitentiary?

A— I cant exactly think or recollect now how long he was there— before he was sent down some little later than three weeks I reckon,

The Court— I suppose Mr Sullivan means how long after he got the fracture—

A— Yes sir— what I mean— a little over three weeks,

Mr A Sullivan— There was'nt any portion of the mine a cutting— fell while you were there injuring several others— was there?

A— No sir The cutting has always pulling out never hurt any body but this one man He had to take the man out on account of the mine falling in

Mr Ward— You speak in regard to those shoes. Did'nt you write for them Martin?

A— Yes sir, I was going to state that but forgot about it— He got shoes up there before I left— & clothing too,

Q— Did'nt you receive them as soon as you did send for them?

A— You said when you wrote you could'nt get them— when he wrote down for pants & shoes together & the shirts afterwards,

Mr Rose— Who was it that told you that Mr Martin — to which the men— whenever they didn't get out the task?

A— Col Ford,

Q— Who is he— this man?

A— That one setting there

Mr Ford— You don't intend to say Martin— that they were all tasked fifty buckets?

A— In die— I said that a while ago— that has been a ten,

Mr Rose— What was the task of the others?

A— Well— some— three, four, five; cars I on an average all the way— according to how a man could work—

Q— How many buckets?

A— Some of them— and some five.

Mr. Callahan— Five buckets— or five Cars?

A— Five buckets.

Mr Rose— What was the largest task?

A— fifty five buckets— eleven Cars,

Q— You say, you heard the Convicts laughing about lightness of their tasks?

A— Yes sir— some of them— Of course not all of them—

Mr Ford— Do you know what the old miners the white miners got out?—

A— some of them used to get out fifteen or seventeen Cars,

Q— Seventy five or eighty buckets?

A Yes sir

The Foreman— Does a car contain five Buckets?—

A— Yes sir,

Pres Ward— About three commutations from four & eighty one hundredths— to five—

The Board adjourned to 9.0. clock a M of Wednesday September 15th

Wednesday Sept 15th 1875—

The Board met at 9 a m— pursuant to adjournment Present— The Governor— The Secretary of State— The Attorney General— as were also— Mr Ward— Mr. Rose and Mr A Sullivan,

Testimony of Dr. J. H. Lemon— Recalled—

J H Lemon M. D. Recalled

The Governor— Doctor in your quarterly report presented to me on the 30th of June for the quarter including— April, May June— it seems that you have an aggregate of deaths in that time in the Penitentiary of four— Three during the month of May & one in the month of June (The witness has them the report)

Answer— Yes sir four deaths— one man was killed,

Q— Just examine in the order in which they come to us as to report it specifically, do you recollect the names of the three persons down as having died in the month of May?

A— Yes sir I do not remember them— I could get them for you— I haven't them in my mind at present—

Q— Can you state what was the matter with those three?

A— The report does not state what those three died of— but I can ascertain for you & get them from the Hospital books— The re—

Report- just- names four as having died— The Hospital Register though shows the cause of death,

Q— Look at- the tabular statement- of specific diseases— You have for example two in the month of May- three that had Dyspepsia?

A— Yes sir—

Q— Then two is- seems, had congestion of the brain?

A— Yes sir

Q— And another with Dropsy & so forth— Now how you are not- able to state from this report- what these three died of?

A— No sir— the report doesn't state it- it just states the number of deaths, it- doesn't go into particulars— the Books will show that,

Q— Is there any thing by which you can determine- or can you tell from recollection from what cause this man or these died?

A— No sir— I couldn't- state positively his disease— The reports are intended to give the number of cases of disease during that quarter— & the varieties of disease— just a tabular statement— They have not- even given the names of patients who have died— No register states that,

The Coroner— I wish you would look at the register there- as your earliest- opportunity & find out- all these details, —

Do you recollect- in June last- attending or of examining a Colored woman named Smith?

A— I can't- say it- was June- last- I—

remember making a post-mortem examination of a convict- who had died- I don't recollect his name - but the Register will show it,

Q- He was a Colored man?

A- Yes sir,

Q- What time was that in the forenoon?

A— I can't tell the date,

Q— State to the Board the particulars of your examination of Smith- & what conclusion you came to in reference to his death- & state his appearance generally as minutely as you can,

A— I arrived at the penitentiary about ten O'clock I reckon between that & dark- the evening I examined that body— The man was dead when I got there; I examined the body by lamp light- it was too dark for me to see or examine him thoroughly— but I had him carried into one of the outhouses there & examined him as near as I could by lamp light; I have the clothes stripped off him & looked at him— examined his head & did nothing more like next morning— next morning I went out there when the Coroners Jury was summoned I don't know whether I was sent for or just- going my regular visit to the Penitentiary— I went out there & examined the body— again took the man stripped for the benefit of the Coroners Jury— had his clothes taken off him & had a thorough & I thought a searching examination, & to relieve my own mind as to the cause of death & for the information of the Coroners— Jury— I held a post- mortem examination— I proceeded to remove the skull made an incision round the scalp—

and with a saw which I had for the purpose removed the skull - being very careful not to injure the brain any more than I could help so that I might examine it thoroughly - after removing the skull - I looked at the brain as it appeared in the skull - examined it & then took my knife & cut the adhesions or membranes that retained it in the skull - & took the brains out - but before going any further I would state - that I found the membranes or at least the small blood vessels of the membranes of the brain - congested - but the brain substance did not seem to be at all diseased in any way - except that the blood vessels that permeated the brain - seemed to have an over supply of blood - in other words a determination of blood to that portion of the body - as the case of the brain I found a little serum,

I answered any questions of the Coroners Jury as I went along; I told them I would answer any questions - & told them if they saw any thing about the body that attracted their attention to ask me. Concerning it, - I came to the conclusion that the man must have died of over heat - I saw no signs of any violence at all - There was not a scratch on the man's body - with the exception that the scrotum was a little swollen, which could be accounted for in the same manner from the heat - but there was no mark of violence about the body or about the head

Q - Who was the Coroner that officiated? Gerkes?

A - He did - Howe - I don't know his initials He is the Coroner though of this County,

Mr Foreman— Johns,

The Coroner— Did you have any acquaintance with this man Smith— The deceased— previous to your examination there before he died?

A— Well I don't know Coroner,

Q— Had he ever been under your charge as physician before?

A— I couldn't state positively whether he had been under my charge medically or not— I would further state to the Board that one reason why I held a post-mortem examination on this individual was— that when I was called out there— he being a healthy stout man of a good deal of vigor— I wanted to find out the cause of his death— He was a large stout man and couldn't have died from exhaustion or any thing of that kind— I felt particularly interested myself & I thought it my duty as the physician employed by the State— to make a close & thorough examination under the circumstances— Post-Mortem examinations are not always necessary— frequently men die in the Hospital— after a long continued illness & it is plain & evident to the physicians mind— so it is to any one else who might observe closely— that the man had died of some disease— I should never want to a post-mortem in such cases— but when I don't understand the cause of death & think I can enlighten myself in any way by post-mortem examinations— I have always felt it my duty to make such examinations— & have always done so— Since I have been physician to the Penitentiary,

Q— Do you recollect attending as a physician there a man by the name of Coates at any time within—?

A— I know there is a man of probably two in town by the name of Carter—I don't know.

Q— Do you remember attending a man named Carter & prescribing for wounds upon his buttocks?

The Witness— Carter?

The Court— Yes sir,

A— I can't recollect at now Court,

Q— Well. Do you recollect attending upon any one in the penitentiary—any Convict there without regard to his name—& prescribing for wounds of that Character—any one or more?

A— It appears to me that I have, I cannot recollect the name, I know I have prescribed for some man who had wounds upon his buttocks of that Character,

Q— State if you can about the time it was, and the character of those wounds & does or whatever they were & how you judge those wounds were made

A— Sure I couldn't tell you the time to save my life: but I could refer to the books of the Hospital—that I might be more accurate. There are so many of them—that I have prescribed for I have it not in my mind now—I do recollect prescribing for a man though,

Q— What was the character of the wounds or sores & what the cause in your judgment?

A— The case I recollect now I think was caused caused from the lash—from whipping.

Q— You prescribed for him?

A— Yes sir I think I did prescribe for him I cannot know whether it was Castor — or who it was,

Q— Did you see the wounds or sores yourself?

A— Yes sir—

Q— State their appearance,

A— They seemed as if the lash had cut the skin directly on his buttocks — it just seemed like a common ulcer of the skin — caused from a bruise by the lash — or any thing that would strike the skin hard enough to bruise it — it came it like ulcerate,

Q— How often did you prescribe for him?

A— I don't know sir — I don't think I did more than once,

Q— You regarded the wounds then as being of a desperate — damaging character?

A— Yes sir — I don't think they were of a desperate character — I don't think I prescribed more than once & as far as I know they healed up rapidly,

Q— Were they upon both sides or only upon one?

A— I don't remember now — I think there was one wound on one of the nates — that is one buttock — which looked like the skin had been bruised I recollect now — I think I prescribed some wash of Zinc ointment — or something of that kind for its healing properties,

Q— How many times since the 13th of last November have you prescribed for them on account of severe whipping — or being bruised by the lash?

A— I cant recollect now Genl — but I don't think I have prescribed for any other one, I

think that is almost the only one I have prescribed for in the last of my belief now— of course as I remarked just now I see men out there every day with different complaints & it escapes my memory— but to the last of my belief now I never prescribed for any other one,

Q— And you don't know for certain whether his name was Carter— or not?

A— No sir— I remember of prescribing for some man,

Q— Did that man get well?— Do you know whether he died?

A— I don't remember— I don't think he died though,

The Secretary of State and the Attorney General declining to question the witness further;

— Mr Rose—

— Was the wound of a character to produce death?

A— No sir— I considered it a wound of just the integument— from a knife of the kind a stab,

Q— Do you know whether he's alive now?

A— Yes— I don't really know the man's name— I remember prescribing for one man— but I can't give you the information without visiting the prison,

Mr Rose— You had probably best do that.

The Court— Yes sir— and then, if you can, identify the same docket for that year,

The witness— Yes sir— I think it very improbable that the man died from his wound— though he may have died since— I don't remember the names of those that have died— though I can ascertain when I visit the prison to day,

Mr Ward — Well if it was Carter he is there yet,

The Coroner — Mr O Sullivan will you ask any questions?

Mr O Sullivan — No Sir.

— Testimony of John C Ward —

John C Ward a witness Summoned at the request of Mr Ward — being duly Sworn according to Law — testified as follows.

The Coroner — Where do you live — Mr Ward?

Answer — I live at the Penetentiary.

Q — What is your business there?

A — Have my business — was since the 25th of March has been to attend to the outside hands — superintend their working.

Q — Was since the 25th of last March?

A — Yes Sir.

Q — Were you employed there in any Capacity from the 18th of November to the 25th of March?

A — Yes Sir.

Q — In what Capacity?

A — I was acting as Warden at that time;

Q — What were the duties in General — that you have in the Situation as Warden?

A — Were I attended to the interest of the prison & the prisoners inside & get them ready for their work — & turned them over to the man — that have one with them —

Q— Since the 25th of March your business has been on the outside?

A— up to the 7th of this month,

Q— To the 7th of September?

A— Yes sir,

Q— As far back as the 18th of last November in Ward— how have the prisoners there under your observation been clothed? What has been the character of clothing they have had—?

A— Well they have had the usual penitentiary stripes that I have seen in all prisoners— part of the time they had woolen shirts and part of the time Osnaburg cotton,

Q— In reference now to the quantity supplied them and the quality of the clothing.

A— Well— the quality of the clothing is good, the quantity has been sufficient for every purpose in any respect that I know of—

Q— How has it been in reference to the shoes during that time?

A— Well there is part of the time; that the greatest part of our men about near shoes— last— When the cold weather comes in they have all had their shoes in good time— all except one or two— this I believe,

Q— What is the reason they didn't have them?

A— We didn't have any large enough— they got them in a short time however— afterwards,

Q— Do you know of any instance in that

time going as far as the 18" G. Camp November in which the prisoners any of them have ever been supposedly clothed? If you do state as nearly as you can, how many there are & in what respect there was a deficiency in their clothing.

A— Well I don't remember that there was ever any deficiency in their clothing— except last fall when we were clearing the brush & burning the logs— when they would tear them off— almost as fast as they were put on— they would be mended as fast as possible they looked very ragged and it couldn't be helped.

Q— What was the cause do you say of that raggedness?

A— We were clearing new ground— it was very rough we were piling brush— rolling logs— and such generally which is very hard on their clothes— & I don't believe the new clothing was issued until we got through that either— that is— not very much of it.

Mr Rose— How long did you say that was— I don't recks?

A— Well I don't exactly know how long it was, it was longer than that— it was two months at least that we were clearing— but I don't mean the clothing was in that fix all the time— because it was changed somewhat, once a week.

The Governor— During that time— were the complaints by the Convicts— pretty general of a want of clothing?

A— No Sir— I never heard of any complaint at all— it wouldn't be any thing strange if a man should tear his pants— or shirt during the day— for him to dry at night— "I want a shirt" or "I want" that is not complaint— we look that— as a complaint.

Q— How many matrices have you known there during this time— from back to the 13" of November—

of the Convicts wearing the same clothes until they rotted off them?

A— I never knew such an instance in the prison both at that time or as for back, as I have been there,

Q— You stated sometime a little while ago Mr Ford in reference to their being clothed in the usual penitentiary style?

The Witness — Stripes.

The Court— Yes sir. Have you any information outside this penitentiary of Penitentiary management generally?

A— Well yes sir— I have been around two or three penitentiaries

Q— Which two were they?

A— I was around the Ohio penitentiary— some time— & the Tennessee penitentiary— some time—

Q— How did the clothing of those Convicts— since the 13th of last November to the present time— Compare with that of the two institutions of which you speak—?

A— It is about the same as the Tennessee penitentiary— it is the same in every respect— It is not as good as the Ohio Penitentiary,

Q— In what— in general terms— should you be called upon say as the difference?

A— Well I should say the difference is in the quantity of under clothing— The Convicts there in that cold country are furnished abundance of under clothing,

Q— Do you think the matter of climate——

A— Makes the necessity— yes sir— in proportion to the severity— severity of the climate there & in Ohio,

Q— Are those men as well clothed as those in Ohio?

A— They are as comfortable in clothing as they are there,

Q— Now In Your own nice style of your place— without my asking you— Just the same in reference to the food as to quality & quantity. supplies &c— &c— since the 18th of November last— & up to this time if you have any information in regard to it,

A— I can that time up to the 25th of last March I know what they had to eat— I superintended that part of it,

Q— Just state what was the quality & quantity of the food they had?

A— Well I can give you about the average quantity every day— The quantity of meat we received & every thing else must be divided out— as— especially as we called up among the three hundred men— We have been receiving about— five hundred pounds of meat a day— Sometimes a little under— but generally over—

Mr Rose— That is in the winter?

A— Well all the time— that was to be divided among three hundred men— three hundred and twenty three people,

The Chairman— Did you regard that supply— as being sufficient?

A— I did & it— was good beef too— the most of it— Sometimes some of it— would be a little

poor-but-that could not be helped,

Q- And what kind of bread was furnished them? What kind of bread was it? and did they have enough of it or not?

A— Well sir the flour bread we furnished them was not first class flour-but it was very good flour & made very good bread, and the corn bread we furnished them is just a little better than any body else's-whether a prisoner or not- it is a good deal better than I have and I eat a good deal of it,

Q- The provisions then furnished them consists of Beef— flour bread- & Corn bread?

A- Coffee, soup, Vegetables whenever we can get them- part of the time we get them upon the Nips- & they had plenty of Turnips- & they have plenty of turnip greens- then after that potatoes & was'nt inside then-but I know what they had- then as Vegetables came in- they had from one to another,

Q- What complaints have been made there on the part of the Convicts of the insufficiency of the food- or the improper quality of food?

A- Well sir there haven't been any complaints upon could term complaints- Every now & then a man may be left on his rations- but get what he thinks a full ration- & he nice day something about it- I have never heard any complaints- about the bread; because whenever they ask for bread they get it- Unless there has something turned up that we couldn't bake it- Couldn't supply it- at that meal,

Q- How does the food of this Penitentiary, compare with the food of those two Penitentiaries of which you have just spoken already?

A— Well Sir it is- is just- about- the same as the Jeffersonian prison — just- about — I should- think it- is as good as the Ohio Penitentiary- because I think the cold weather gives them so good better than we do — not in quantity - but I think they have a greater variety.

Q- Now please state the condition of the penitentiary inside — the apartments — sleeping rooms — Hospital — Dining room — and all, as to comfort + cleanliness;

A— Well: the Dining room is clean + kept- clean — the tables + every thing — The yard is swept- every morning — swept- all over — every morning — + what- ever is swept- up is swept- into a pile + hauled out- that day — The Cells are white washed once or twice a month + we had it- from as high as three times a month,

Q- Any other means resorted to keep the inside clean or disinfect- it-?

A— Yes Sir- we disinfect- it- we use Carbolic acid- + Chloride — and Chloride of Lime — I believe we have used that two,

Q— Well Sir- how did that Penitentiary compare in reference to its internal cleanliness — with the other two of which you have spoken?

A— This is as clean as either one of them + kept- as clean as either one of them,

Q— I did not- ask you directly in reference to the condition the cells were in — the places where they sleep,

A— They are kept- clean — They are swept- out every morning There are three Sir from men that do nothing else but- sweep out- those Cells + go- the dirt- out of the building every morning

Q — What- is the usual mode of punishment of the convicts in the Penitentiary — for disobedience of —

orders – or Violation of any of the Rules – trying to get away or ——

A— Well one of them that I have spoken of was the shower bath & the Dungeon – The – other – was the Strap – Die at the time I was Connected with them,

Q— How many cases during that time of Severe – or unusual punishment did you know of as occurring in the Penetentiary?

A— Well I don't know of any during that time from November – till the 5th of March,

Q— Did you – yourself sometimes administer this punishment?

A— Yes Sir,

Q— Do you know of any cases of sickness or of men having to lie up in the Hospital in Consequence of severe whipping?

A— I know of one case that happened or pretended to – That was a man by the name of Young –

Q— Now State if you know what his whipping was – What it was for – and how long – he lay up,

A— Well he lay up about a week I think – his whipping was for assisting another man to get away,

Q— Who administered the whipping?

A— I did part of it myself,

Q— Just tell us then Mr Ward – how you –

whipped him - describe the whipping & all - so that he can get some idea of the character of it,

A - I bared his buttocks, & whipped him with a leather strap two inches wide - eighteen inches long.

Q - How many licks did you strike him?

A - Well I suppose he got a hundred and fifty or one that

Q - Did you break the skin?

A - Well no - I don't think that I did - I don't think that with a strap of that kind you could hit a man hard enough - unless you turned it edgeways - to break the skin,

Q - Did you examine the parts afterwards?

A - I did not - But do I know for certain that he did lie up on that account, I only heard that he did, I never went to see about it,

Q - Do you know any thing of the whipping of a Colored man that died there by the name of Smith - Thomas Smith?

A - I do - I whipped him,

Q - Did any one else whip him beside you? I mean at that time,

A - No sir,

Q - Where was that whipping given?

A - In the field

Q - In the field up by the gate?

A— Yes sir.

Q— What was he whipped for?

A—Well he got mad at the Guard & refused to do any things—Sat down & said he wouldn't do any thing I believe—& would do as he pleased— I was sent for— I went down there & told him to get up & go to his work— Well he said he didn't feel like work—at that time & was very impudent about it— and I told him the second time that he had better get up & go to work—& I would whip him— He allowed that I must do he such thing—and I whipped him,

Q— What did you whip him with?

A— With a strap leather—an inch & a half broad— a light strap leather about an inch & a quarter I believe,

Q— Did you whip him on the same parts as the other man?

A— Yes sir,

Q— In the same way?

A— Yes sir— and I didn't hurt the skin either —

Q— How many strokes did you give him?

A— Seventy five altogether during the day— I whipped him twice,

Q— Did he die that die?

A— He died that evening— Yes sir,

Q— How long after he was whipped?

A— I whipped him at half past eleven & at three the last whipping was very light— I hit him twenty five,

Q— He died at what time?

A— at about half past six.

Q— He died at the kick yard?

A— Yes sir.

Q— Do you know of any other cases of whipping that came under the term of severe— or unusual whipping? You say you know nothing about Carter'— You speak of Jimmy & Smith— Do you know of any others?

A— In Sir— I know of no others— that came under that term—

Q— What is the character of the punishment— executed in the penitentiaries of which you have information?

A— The Tennessee Penitentiary whips with a strap— last is a heap larger than we use here & at that time— when I first was connected with the Tennessee Penitentiary— they whipped with what they call a Cat O' nine tails— It was a whip stock about fifteen inches long— with seven or nine— 3 re finger which lashes on it— last they did away with that & took the strap— The other Penitentiary I spoke of— their punishment was the shower bath & the dungeon,

Q— They use whip there?

A— In Sir— They propose not to,

Q— What time in the morning do the prisoners leave the Penitentiary & get to their work when they are marked out?

A— Well sir it is about Sunrise— Sometimes a little before— It is just about as the gun fires at the barracks every morning I am getting ready when that gun fires to go out of the gate—

Q— What time do they get back in the Evening?

A— Well I am pretty regularly at the prison Gate when the gun fires— Sometimes a little late— Sometimes a little sooner— but generally at that time I am between the Evil Road— & the prison at all events— unless something has n't worked well— Sometimes in coming in you have four men working at different places— & it takes an unusual time to get them together & then I am a little late; Sometimes I get them together a little sooner— & then I am a little earlier— but generally I am with that gun.

Q— Do the convicts have any recess or rest from their labor at the brick yard & the farm during the day?

A— They have time to eat their dinner,

Q— How long a time is given?

A— In the winter time when we are clearing I give them three quarters of an hour In the summer time when we are working our Crop— I give them four an hour & an half— In the four part of the summer when it is very hot— I give them an hour— In the latter part— In July & August I give them

an hour and a half any day & some times three out in the woods in the spring generally - to eat their dinners when at the upper farm, when we have weather different we eat in the stockade - at the lower farm we went in the woods,

Q - How long are the prisoners generally - visiting in the brick yard from the penitentiary?

A - Well I have never timed them in the brick yard - we are an hour & forty & an hour & forty five minutes walking from the penitentiary to the farm - we are hardly ever under an hour & forty minutes or over an hour & forty five minutes,

Q - The same time going back?

A - About the same time - if any thing it takes a few minutes longer in the evening,

Q - About in the spirit of travel - do they hurry or go leisurely?

A - They go leisurely along - a man that knows any things about work - would certainly not hurry his men through or back - if he wanted his men to do any thing,

Q - Do the work upon the farms assigned them by tasks?

A - In deed -

Q - How is it - in the brick yard?

A By tasks

Q - When they get through with what is called their tasks - are they required to work any more that day?

A- Do dey they sit down a dey whiles- they must- be taken around themselves- Do Lady makes them do any thing at all,

Q- How long do they take to their tasks?

A- Some of them are there by twelve O'clock. some not- before night,

Q— How long- generally?

A- They are generally through by three or half past three,

Q- State if you can the Court how many cases have occured there since the 18th of November- of sickness or prostration from our work- among the Convicts,

A- None- and I don't believe there is any such thing as our working them- that is un- less you just get after one man & let any body else alone- I have been working Convicts now eleven years & I have never seen one over worked yet,

Q- When one on the plantation a hick- ard: is logging behind- what do you do?

A- I tell him to go along if his work is equal to any one else & I expect him to keep it- up- Sometimes there is a case of sickness or something of that sort- then of course he is excused- he have to take his word for it- so at- that, whether he is sick or not-

Q- Still in case he doesn't move up- what do you do then?

A- Well if he doesn't make any complaints of being sick- & I know he can keep up that he is able to do it- after I tell

him – then I will punish him for it,

Q – Have you ever whipped or do you know of any one else whipping any one of them in any other way – than this you speak of ?

A – Sir sir – nobody else is ever allowed to whip them when I am inside & I don't think I ever heard of any body else whipping them – when Tilly was inside the house

Q – You don't know of any case of whipping – except with a stick ?

A – No sir – Yes sir I do – I usually walk with a stick about the size of the small end of your little finger – I have his name of them in mine that – is it about the size of the small end of your little finger It isn't – I have not I have got it yet – & intended to bring it down into me

Q – Do you whip them – when you hit them with that ?

A – No sir – not at all,

Q – And you know of no other cases of whipping except with the stick – except those you speak of ?

A – No sir – you couldn't term it any whipping if I came along by a man & see that he is slightly hit him intentionally & I just give him a tap or two that way – I don't think you could term it – a whipping,

The Secretary of State & Attorney General – Instructing to question the witness further –

Mr. Rose – Do you think it would be practicable to keep up the discipline of the Penetentiary – without punishment of some kind ?

A— In deed it is perfectly impossible — The class of convicts in the Ohio Penitentiary is a great deal more enlightened than ours — and they have to have punishment to keep up discipline

Q— The object of punishment then being to keep up discipline — Do you think the object could be obtained with any lighter punishment than is used?

A— In deed I dont think we could get along with any less punishment than is now inflicted — that is generally light,

Q— What quantity of Bread has been supplied daily to the prisoners?

A— Well I dont know the quantity — exactly — It is three pounds of flour Weight I dont know how much it is to each man — I could tell by making a little — he dont go by that at all — he wont you bread enough,

Q— Well! did you always have enough?

A— We always had enough — but there have been instances when we have neglected to take for us — & he didn't have quite enough,

Q— How often did that occur?

A— Once since I have been there, 18 — months,

Q— Will how long were the prisoners kept without a sufficiency to eat on those occasions?

A— One meal only — You mustn't put it

He had no bread – they had bread.

Q – But had'nt enough?

A – It wasn't sufficient at that particular meal,

Q – Do the guards eat of the same food as the Convicts?

A – The same Bread & the same beef.

Q – How are the guards hired?

A By the month.

Q What are they paid?

A Twenty dollars a month & board.

Q – Is there any difficulty in getting guards?

A – Well there has been a time when I was short of Guards,

Q – How is it generally?

A – Well generally I have plenty – but there I never be short – if I needed there any of them that come along – but generally I have a little choice about them

Q – What has the Character of this man Annetta?

A – He has a very Stubborn man – it has his second sentence to the penetentiary & he has a very Stubborn man – That has my knowledge of him,

Q – What has he put in you – do you remember?

A – He did I do not,

Q— Have you used any more punishments than what you thought to be necessary in order to preserve discipline in the prison?

A— In fact I have used so much as I ought to have— There is not a rule that passes over my head but I execute & pass by cases that in any other prison that I know about would have been severely punished

Q— Is this penitentiary constructed with a view to any other kind of punishment except corporal punishment?

A— It is not— There is no other way that I know of & I dont see how it could be done— The Prince is very limited— He haven't even got room for the men,

Q— Do that if you desired to substitute any other kind of punishment for whipping— Have you— the means at hand?

A— No sir, I have not— & I think at this time in the way that penitentiary is situated now any other substitute would be purely folly,

Q— Have any other substitute been found to be as effective as Corporal punishment

A— There I think it has in some prisons;

Q— What method is that?

A— The bath and Dungeon— I think the Dungeon has proved more effective than any thing that I know of— At least they have better discipline there than I know any where else—

Q— You speak then these methods of punishment— as being more severe than whipping?

A— It is severe— You there a man for thirty days & I guess he would rather take fifteen lashes of a leather strap— or twenty.

Q— What sort of places are these Dungeons? Are they dark?

A— Well sir— the only one I know any thing about is built under the ground— it is entirely under the ground & ventilated into a flue that is so crooked no light can possibly get through And it is as dark as it can well be all the time.

Q— Is the confinement in these Dungeons— Solitary?

A— Yes sir—

Q— What is the period during which they are kept in these Dungeons— generally?

A— From two to thirty days.

Q— How are they fed while in the Dungeon?

A— They get a small piece of bread daily & a— cup— of water.

Q— What are the effects of this Punishment you speak of?

A— Well I have never been there in two cases & I wouldn't like to give any opinion I don't like it— in the first place & I don't want to give any opinion on it.

Q— Is it severe as severe?

A— Yes sir it certainly must be severe—

Q— Tubes a man's breath away from him & they have a physicians stunding there to feel of his pulse to see how long he can stand it & it must certainly be terrible,

Q— Whipping with this strap you speak of— Is it calculated to produce any permanent wounds?

A— I haven't seen any injuries yet from it—

Q— do you know to what extent this strap is used throughout the other Penitentiaries in the United States?— Have you any information on that subject?

A— No sir I have not— I think most of them though have took to the butts & dungeon— Tying up by the thumbs and—

Q— do you know Mr Hurd— a colored man who was serving in Jail by the name of Jerry Washington?

A— Yes sir—

Q— Was he present when Smith was whipped

A— No sir; he was in the field but not present,

Q— What proportion of the prisoners is it that have to be whipped or ule— Is it a large proportion?

A— No sir it not right so much so as you would think— Nine tenths of them are colored—

The Foreman— Mr Hurd I will ask you one or two more questions— Have any

Are you engaged in your present position now— for what length of time?

A— I am since by the year.

Q— How much do you get for your employment there?

A— Eighteen hundred Dollars.

Q— Did you commence at what time?

A The first day of January— 74.

Q— What kind are you to get Land?

A Some at— all.

Q— In Fact?

A Some at— all Dis.

Q— Sullivan Since you are employed in the Tennessee Penitentiary

A— Yes Sir—

Q— How long

A— I was employed a little from November— 66— until May 1870.

Q— Who is the Lessee of that place?

A— Hyde— Biggs— and Moore.

Q Have you been in that Penitentiary since?

A No Sir I have not—

Q— Were you ever known of your own knowledge

knowledge about they do any whipping there while there?

Mr. Killcrease - Yes?

Mr. O. Killcrease - Yes sir.

A - In die 2 do not,

Q - And your direct knowledge personal knowledge the character of clothing they wear there?

A - Not at this time I don't - Every Friday I have been about three other occasions - it about two hours during the while I was there,

Q - Are the prisoners here always supplied with stockings in the winter?

A - I supplied them last winter - winter before last - I suppose they get the supply before I can - induced - it is something I have never thought of

Q - Do you know what the plow costs a hand that is used?

A - Not of my own personal knowledge I do not, I have seen bills for some of it - $0.25 I mean $0.50

Q - How many during one day have you known whipped in the Penitentiary?

A - Well I think along Cotton picking time - I whipped fourteen or fifteen,

Q - For what causes Mr Cook?

A - For shirking work,

Q— While there hitter a Whip?

A— I did—hit them ten Lashes apiece—

Q— Do you require all convicts to do the same amount of work when they are digging?

A— I do not.

Q— Will how do you discriminate?

A— Well I can take picking cotton or hoeing in the field for example—Take your choice of the two,

Q— Well take hoeing—

A— I will take a hundred men, & show you the modus operandi of working convicts & as to require all men to do the same amount of duty—I work a hundred & thirty five this Summer—I take Fifty three hundred men—ten squads, & I work them up into squads of ten each—Then the foot hoes will run them Through & lead off from the balance—Then I will take those men that lead off—& get away from the rest—& form a squad out of them, out of the rest—Then I will take the next grade & form another squad of ten men and then go down—until we come to the tail end of them

Q— How if a man does'nt keep up with his squad and you Foot-Think he is sick you Whip him?

A— If I Think he is able to do it—If he is not I put him in a squad by man them—Each squad has a squad & each squad is not required to keep up with the other squads—They are not pushed in three squads at all, They just strike their licks & keep up with their own squad independent of the others,

Q— If a prisoner complains & says he cannot keep up— what do you do?

A— I ask him what is the matter— If he is sick— he set right down in the field— If there is any shed, I put him in the shed— if not I make him keep up with the squad so he will be under observation of the ground— but not to work;

Q— Did you or any one, compel a man to work after he said he was sick?

A— No sir— he is always excused—

Mr Rose— State whether this man Washington was discharged from the Penitentiary by the Lessee?

A— Yes— I discharged him myself— He was continual grumbler— & grumbled all the time with his men— & neither kept them quiet or with the squad so he was under observation of the ground— but not to work, if he was sick— & stay for a week & I told him I did not want his services any longer— I had filled his place,

Q— Do you mean by saying he was a continual grumbler & grumbled with his men— that he complained of the prisoners— & reported them?

A— Yes sir— complained of the prisoners & reported them.

Q— Did he report them with a view of having them punished?

A— Yes sir— & I will state now that I never punished a man from a friends report— unless I had evidence of my senses— or my own observation for other reasons for knowing that they were sick— I kept my eyes to them— This day— I eat my breakfast & dinner there,

Q— Are the guards allowed to punish them at all?

A— In fact, There is n't any guard upon that hill could be punished or hired to hit— as soon as he knew I was about— Are they allowed to advance them or to take to them roughly either— Every prisoner in the penetentiary knows if one of them was to hit him— there is many one knock him right straight to me,

Mr Sullivan— When was the last time you knew any convict having been whipped in the Penitentiary?

A— Well I think there were some whippings there about the 31st of last month— but I am not positive about it of my own knowledge— Sir I think,

Q— Who said you whipped this convict— Tom Young?

A— Billy Wood— Will you like to know what those two are whipped for? I know it—

Mr Sullivan I don't care Sir,

The Witness— But I want to tell it I want it to go in right the first of it,

The Coroner— Tell that— and also by what authority Billy Wood did the whipping—

A— Well I will answer your question first— When he came down from the coal mines— my work in giving out hats the men & coming in— was rather too much for one man & he took the boardership inside & attended to it,

The Coroner— Was all the whipping he did— done when he was acting in that capacity?

A— He did the whipping— most of it,

Q— Was that all he did when he was acting in that capacity?

A- Yes Sir, that insert me- because I have had him whip one or two men for me,

Q- You authorized him to do it?

A- Yes Sir- he didn't whip one on his ground- report.

Q- Did he whip except where in the capacity of inside Overseer, or when he had authority from you to do it?

A- No Sir,

Q- Now for an state in relation to the whipping of these two men,

A- Three two men were whipped on the 31st of last- month- Nine whipped for getting over the wall & going Round to the Gate & trying to capture the Gate- One of them- his name is Denman & he is a very des- perate character- I know that by experience, for he is one man- who held a needle from me one morning & told me if I moved- it would be my last one,

Mr. Rose- Getting over the walls & trying to capture the ground?

A- Yes Sir- he came around & tackled the Guard at the Gate- & tried to take the keys away from him,

Mr. C. Sullivan- There has been no occasion for- whipping any body since?

A- No Sir- There has been no occasion for whipping any body since, Sir- if not on very day occurred there,

Mr. Rose- One more question- You state that on one occasion you had whipped fifteen or sixteen?

A- Fourteen or fifteen I think Sir was,

Q- On one day?

A— One evening— I was it— after night— set in I went it— in the field,

Q— Was that a common occurrence?

A— No Sir— This man Washington you spoke of was one of the Guards who had those men— and a man by the name of Bagley (as understood) was another— & I got after them about picking this Cotton so tardy— & neglecting their work and got after Washington also— about speaking at— his men— & told him that was no way of maintaining discipline— Nor then Captain Thurmond heard what I said unto him— Nor then Captain Thurmond heard what I said unto him— & Thought he was mad because I had reproved him for talking— I went up in the field to the Gin House & found them all standing, talking like they was at Camp meeting— or an election— & I his— them the offence for it that night— when I went home— They seemed to— punished him very little— for it— was a small offence,

Q— Did you ever object to being a member on any other day?

A— I never did before in Since— but that I object to— member in Martin per Agreement— Like it— was,

Mr C. Sullivan— Do you know how many prisoners have got away— (as understood) Since you have been in the penitentiary— Mr Ward?

A— I do not— This Books will show, it is easy to find,

Mr C. Sullivan, Did you ask for that information Sooner?

The Court— Yes Sir, I intended to do it before the Examination closed— Mr Ward— you have control of that Martin now— of all the books?

A— Yes Sir, I keep a set of books— but it is for my own Special use inside,

Testimony of Joseph M. Trimble—

— Joseph M Trimble

a Witness Summoned at the Request of Mr. O. Sullivan being duly Sworn according to Law— testified as follows—

Mr. O. Sullivan—

Please you can examine for your selves—

The Coroner— Mr. Trimble— Where do you live?

Answer— Just across the River— Just this side of Big Rock—

Q— In Pulaski County?

A— Yes Sir,

Q— What is your occupation Mr. Trimble?

A— Farming,

Q— Have you Written the last Two Months Town connected with the Management of the Penitentiary up here— in any way?

A— No Sir— I have not,

Q— Have you been about the Penitentiary During Every that Time any?

A— Yes Sir I have been There once— Only once—

Q— In What Capacity did you go There?— Just Simply Visiting— Or on Some business?

A— I was on business There— I was Summoned to go There as a Witness in case of Murder of a Convict on the River,

Q— When was That?

A— I Think it was been about Eight Weeks ago— I couldn't be positive,

Q— You were Cognizant as a Witness there in Reference to the death of one of the Convicts?

A— Yes Sir;

Q— Whats was his name?

A— I have really forgotten his name— A Convict that was murdered there on the River bank opposite the Gentleman place— on the Gentleman place— Jesse Reader I believe was the murderers name;

Q— Did you witness the killing of the prisoner?

A. Yes Sir,

Q— Just state all about how it occured— Who did it— & under what circumstances,

A— Well, When I came the prisoner I was at work there in my field— I saw a man running & saw the Guards firing at him; & he ran up the bank some. three hundred yards I suppose from where he was at work— & jumped under the bank & hide in some bushes,

Q— Which side of the banks was that?

A— The South side, The Guards collected on the spot just now where he was & directly all the Guards left & went through the field hunting for him & he jumped out from the bushes & swam to the River & swam out in the River— He swam some ways in the River. There were two negroes there —

Q— Were they Convicts?

A— Well I really Dont know sir— They did'nt have on the stripes— I was told they was,

The Coroner — Go on,

The Witness — These Negroes run down to the edge of the water where the man went in at. & hallooed to him to halt & come back — & the Convict turned & swam back to Station I suppose some fifteen or twenty feet of the edge of the water & then began to wade out to them — & he was wading out to them with his hands up just in that position (raised) & saying for them not to shoot he would give up. At the time I thought that; that was what he was saying — "I will give up"! "I will give up!" — I was running towards him at the time & couldn't be position as to the words; but I am pretty certain that is what he was saying; — He waded up — pretty near the Guard — as these Negroes, & one of them drew a pistol & shot him, He was running up — with his hands up in that position (raised) & uttering words, & think that was what he was saying,

Q — How many times did he shoot?

A — Once only,

Q — Did the Convict fall upon the fire?

A — Yes Sir, he just sunk right back in the water — He was in the water about waist deep — when he was shot;

Q — Who was this party that shot?

The Witness — That did the firing?

The Coroner — Yes — that did the firing,

A — Well I was told his name was Wade — I open Wade or Wait — I am not positive,

Q— Did you see him when he fired?

A— Yes sir.

Q Was he a colored man, did you say?

A— Yes sir

Q— Do you know whether he has a record?

A— No sir I do not— I was told on the ground that he was — No sir — Not a record; I was told he was one of the trustees & had a pistol — That he was in the habit of catching men, the same as one of the friends.

Q— You were on the opposite side of the River?

A— Yes sir— Just opposite

Q— How far do you suppose it was from where you were — to the scene of this occurrence — to where the man was shot?

A— Well sir it was some distance— I don't know how wide the river is there— I couldn't say it is some three hundred yards any way— I couldn't say as to that,

Q— By whom were you summoned as a witness?

A I was summoned by the Coroner— Mason,

Q— Did you hear the cause of the prisoner first— When he first started to run?

A— When I saw him sir he was running & some fifty yards I suppose from the Guard— The Guard had fired once at him which attracted my attention— I noticed the prisoner was about fifty yards from him I suppose when I first saw him,

Q— How many shots were fired in all, at that time?

Was attempting to escape?

A— Well Sir I could not say how many shots were fired— I think there was about three shots fired I would not be positive. Thought,

Q— How far was Dixon from the balance of the crowd with him— when he shot Tom Conick?

The Witness— The balance of the crowd with him?

The Coroner— Yes Sir— were there any more persons with him on the Chase?

A— Yes Sir,

Q— How far was he from them?

A— I could not tell— They were out in the crowd,

Q— He was the only one you saw come down to the Ledge of the River?

A— Yes Sir— There were two of them,

Q— He & another?

A— He & another— Yes Sir,

Q— How far were they apart?

A— They came down the bank almost together They might have been standing I suppose some ten or fifteen feet apart— They were both under the bank,

Q— And the other didn't do any shooting?

A— No Sir; when I got there— myself & another man from my place— met acrop— The other was standing there— and he remarked to him—

"Jesse you ought-n't- to have shot-that- man & he keep-
-ging you like he was- not- to kill him."

Mr Rose — I dont understand that — Did you come across the river?

A — yes sir — I went across,

Mr Rose — How did you cross?

A — Crossed in a dug out — kept- skipps there at the landing generally — yes sir — I went across & insisted on them going in & getting the man out — They was all refusing them & wasn't making any effort- to get- the man out- of the water — I finally succeeded in get-ting one man to go in & search for him,

The Coroner — Did you give your testimony before the Coroner?

A — Yes sir,

Q — The same as you give it- here?

A — Yes sir — I suppose so — I told it= just- as I am it- = I at the Coroners inquest also,

Q — Do you know any thing else in reference to the management of the Convicts there in the Penitentiary?

A — Well I can't say I know any thing positively — only just- seeing the Convicts passing backward & forward there rather than by land —

Q — passing backward and forward?

A — Into down the River that I must- them say often,

Q — How often do you meet- them during the month?

A— Well Sir I cannot tell you— It would be sometimes three or four months I would not see them at all— & then I am passing them every day——

Q— I understand you to say they struck you when you saw them as being thinly clad,

A— Yes generally.

Q— Now are they clad? What kind of clothes do they have on as a general rule?

A Well those that are real Convicts generally have on a pair of striped pants, as to the material I don't know,

Q Have on any shirt?

A— Yes Sir I think generally white shirts,

Q— Have they on any shoes?

A— Well sometimes— some of them has on shoes and others have not,

Q— Do they have on shoes as a general thing in cold weather— or have you seen them?

A— I have not seen them in cold weather,.

Q— Your observation is in spring & summer?

A— Yes Sir.

Q— What place are you on Sir?

A— Grinnle place

Q— Do you know any thing in reference to the guarding of the prisoners..?

A— No Sir I am not.

Q— Have you noticed their working— Have they any Overseer on the sick Yard— or plantation?

A— No only from across the River— I notice them at work in the morning fields— I notice them work pretty steady— I didn't notice that they worked any harder than I would work my hands at all— They worked steady.

Q— Do you know any thing of any Recess or rest— they get from labor during the time they are there?

A— No Sir I do not.

Q You don't know their hours of leaving there or getting there?

A— No Sir I don't know as to what— know they get at work.

Q You have not been about the penitentiary Much— except at the time you speak of?

A— No Sir— I have not.

Q By the way— where did they carry this man when they took him out of the water?

A— They just laid him up on the Bank until after the Coroners Inquest was occured & then I don't know where they carried him.

Q— I Thought I heard you say something about Hearing Mice about it— Have you been before any Grand Jury on this matter?

A— No Sir I have not— Only Once and the Coroners——

Q— This train that you have stated here in all the information you have in reference to the management & Control of the Convicts in the penetentiary?

A— Yes sir that is all I know any knowledge of.

The Secretary of State— Do you know whether this man Wade—is here at the Penitentiary or not?

A— No sir, I don't know whether he is or not—He was at Large the last time I seen him,

The Attorney General—Do you know what conclusion the Jury came to in that case?

A— No sir I do not— I talked with several of the jury men about it—but I don't know what the verdict was— They all seemed to agree that it was rendered in the first degree— That was on the Jury—

Q— Don't know whether the man that shot the Sheriff was arrested for that offence—after he visited at Large?

The Witness— For that offence?

The Attorney General— Yes sir,

A— No sir, I do not— I don't think he was— I saw the man afterwards,

Q— Did I understand you that he at the time was a convict in the penitentiary?

A— Well I don't know; He didn't have on the stripes, but I was told he was one of the convicts and a man employed frequently in whipping them & catching them.

The Govenor— Mr. C. Sullivan will you interrogate the Witness?

Mr C Sullivan— You stated that he he taken out the water— When you got there?

The witness — Yes Sir,

Mr. O Sullivan — Was anyone else there after the man was shot — ?

A — Yes Sir,

Q And the man was still in the water ?

A — Yes Sir,

Q — Whom did you ask ? — Were two colored men ?

A — Oh ; there were several colored men there & I just asked the crowd for some of them to go in & get him out,

Q — Was he dead ?

A — Yes Sir, he was dead when they got him out — & a young negro boy by the name of Bob — I believe they called him — I succeeded in getting him to go in,

Q — In what position was he in the water when they went after him ; was he standing up — as he was when shot, or dive he sink ?

A — Oh ; he sunk — I don't know whether he was lying down or getting up — but he was under the water,

Q — Shots had been no effort made before you got on to go the river to take him out of the water ?

A — None at all Sir — & I was working pretty close,

Q — Did you hear any evidence before the Coroners Jury — as to whether he was killed immediately by the fall — ? Was there any evidence like that produced ?

A — No Sir — I don't know that I heard any,

Q— You dont know whether he was killed immediately— or whether he afterwards was drowned?

A— Well Sir I should judge from the place where he was shot— where the ball took effect— that he was immediately killed by the shot— it taken effect in the heart— near the heart

Q— Shot in the heart—?

A— I dont know Sir— but I would say near the heart— I dont know exactly where the heart lay—

Q— Bob— was the boy who went in & got him out?

A— Yes Sir, he got him out,

Q Was he a convict?

A Yes they said he was one of the Convicts,

Mr Rose— How far was you from the bank on the other side?

A— Well Sir— when it first taken place I was some distance, I was down below the Sand bar, I dont know how wide the Sand bar is— I was at the fence on my farm & had just hoed out to the end, & I had the hoe in my hand & came to the edge of the water,

Q— How was that do you suppose?

A— It must have been something near half a mile,

Q— That you can see out to the water?

A— Sir it is but to the place where the convict was— it was some distance, I would not be positive— it was something in the neighborhood I think of half a mile—

Q— How far was it you were before you got to the edge of the water?

A — Well it must have been at least a quarter of a mile sir — It must have been at least a quarter of a mile

Q— Where were you at the time of the firing — this shot that killed the man?

A— I was near the edge of the water sir,

Q — You were just at the edge?

A— Yes sir I heard sight at the edge — I was near the edge though — I dare say between thirty & forty steps of the edge of the water,

Q— How far were these two Colored men from the water on this side?

A— At the time of the firing? well judge from where I was — the place where he was when he did the firing — I should suppose it was a'nt one fifty feet from the edge of the water,

Q — What time of day was it?

A— Well sir I think that it was something near eleven O. clock I think — near eleven O clock, day

Q— What time in the year?

A— Well it has been about eight weeks ago I think it would be called Summer —

Q— Had you ever seen Grade before?

A— Yes sir — not to know him,

Q How was he dressed?

A— Well I don't know sir that I could tell how he was dressed— He was not dressed in the fashionable style— He didn't have on the Stripes— He just had on the Common Jeans clothes I think.

Q— Did he have on any Coat?

A— Well sir I couldn't tell as to whether he did or not.

Q— Can you describe any of his clothing?

A— No sir— I don't know that I could.

Q— How many Colored persons were over at the shore when you got over on this side?

A— Well I really don't know, There was some six or eight Colored persons around the bank I think.

Q— How was it you recognized the one that did the firing?

A— Well I didn't recognize him sir— only that he told me when I got there— that he was the one that did the shooting— & it was from another fact sir that I knew him— When he shot this man— then he took his hat— floated on the top of the water— & I saw this Shade just the hat on— & when I got there before the hat on— I saw the man that did the shooting just the hat on— when I got there he had the same hat on, I don't think it has changed.

Q— You testified I understand you to say before the Coroners Jury?

A— Yes sir.

Q— Did you state in your testimony on that occasion that you heard this man saying in the water?

A— I stated Sir that I heard him attempting to read Scripture to me that he was saying that— I have not said he expressed that he was saying that but— he was attempting to read I took it— to that effect.

Q— How could you Judge of the words unless you heard them?

A Well I could hear the sound of the words, but— I could not position— He might have been saying— "I will give up— "I will give up", but— I heard the sound of words & I thought he was saying "I give up"— Though the man there who was in the edge of the water— S. D— Shrewsbury— whom I knew on the place——

Mr Rose— Never mind— We will have him here after a while— He is a witness,

The Witness— I could not be positive as to the words— but I think he was saying "I will give up" from his position and every thing,

Q— You are not certain then what words he did use?

A— Well I am certain it was— "I will give up"! or "will give up!"— one— I could not tell— I could not be certain which he said but— the "give up" I did hear that,

Q— Were you ever among those Convicts— before that time?

A— Yes Sir— never was among them before that time— I have passed by & saw them you know as— their work— That day I was there among them,

Q— You have been down there among them before— so as to know one from another?

A— Yes Sir I was tried to recognize them at all,

Q— Whom you see— over there has the body of the dead man visible?

A— In fact— it was not,

Q— Could you tell where it was?

A— In fact— I could not,

Q— Were the Men with him?

A— There he would sometimes before he did find him,

Q— Was the water muddy?

A— Well sir— I don't know that it was, any more than usual

Q— It is always muddy— Do you can't see the bottom can't it?

A— Yes sir only it would be a very shallow place,

Q— Was Mr Ward there— (pointing to the Lessee)— Mr Ward?)

A— That— Mr Ward— I don't think was sir,

Mr Ward— Didn't see me there?

A— Yes sir— I saw you that day,

Q— Didn't see me there?

A— Yes sir— you was at the River— I don't know whether you was where the dead body was— but you was at the River— at the Coroners Inquest,

Mr Rose— You don't say at the Shooting?

A— In fact— I don't say that— he was not there when I went over, but at the Coroners Inquest— Mr Ward was there,

The Coroner— Any further questions— Mr O'Sullivan?

Mr. O Sullivan (to witness) — You were known — you are now in position — what was the name Given "I give up!" or "I now give up!"?

A — You did I can't be positive as to that,

Q — Was the Convict — was walking towards the bank — with his hands lifted up?

A — Yes sir — in this position (raising both hands) and uttering words and I cannot hear "Give up"! — very distinctly,

Q — Walking right to the spot where these men supposed to be guards — was standing?

A — Yes sir — walking right to him — to this man,

Mr. Attorney General — Was there any body there — when you got across the river — except Colored men?

A — Yes sir — There was a white man went across with me,

Q — Was there any body except him — any body on this side?

A — There if there were not there at the time — in a very few minutes after that — there was a white man — there — there was a very considerable little crowd when I got there — and a white man — one of the Guards I suppose — with a gun — was there in a very few minutes afterwards — If he wasn't there at the time I didn't notice him at the moment I landed,

Secretary of State — Was this a white man or a negro that was hired

A — It was a white man sir,

Mr. O Sullivan — Do you know whether he was a United States Convict or not?

A — No sir — I do not.

— Testimony of R. A. Dowdle —

R. A. Dowdle a — witness Summoned on the Request of Mr Ward — being duly Sworn according to Law testified as follows —

— The Court — Mr Ward — You or Judge Rose examine the witness as to what you want?

Mr Rose Mr Dowdle State if you have been furnishing provisions for the Penitentiary at any time since the 18th day of November last?

Answer — Yes Sir — We have furnished some.

Q — What has the character of those provisions?

A — The only thing I recollect of selling — has been flour Wheat & potatoes.

Q — What quantities have you furnished?

A — Well the principal thing was in June & July — We Sold them a great deal of flour during those Months & in August a great deal of Wheat & the last week or 10 — We have Sold Col Ward two hundred & fifty bushels of potatoes.

Q — When were they bought?

A — They were bought within the last two weeks.

Q — What was the quality of these provisions?

A — Well I never saw the potatoes — they were guaranteed to be number one by a good man — just as good as they could be —

Mr Ward — What was the character of the flour?

A — It was just as the flour as we Sell here to the Penitentiary Community —

Mr Rose — How much flour did you sell?

A — I suppose we sold three or four hundred barrels — I don't know exactly,

Q What — was the character of the wheat?

A Well it was just such wheat as is brought here to this market — It is all good wheat,

Q — How much wheat did you sell?

A Well I could tell you about that — We have sold considerable I know — I don't know the number of bushels I just — recollect bagging some loading time & again into it

Q — These provisions are good provisions then — such as are usually sold in the market?

The Court — Mr A Sullivan?

Mr. A Sullivan — Did you ever sell any potatoes upon Contract to Mr Ward?

A — Not that I recollect of I don't recollect of any I am not positive of it — Things in this other matter happening within a couple of weeks is fresh on my memory it is likely we have I don't recollect now however I could tell by looking at my books,

Mr Ward — Those were those Irish potatoes

A — Yes sir,

Testimony of Dr. J. H. Lemon — recalled —

J H Lemon Jr d recalled

The Court — Shall I do this You know the points upon which you have to answer?

Answer — Yes sir — There were two — first — the Quality of

of the four men who died during the last quarter & their disease — & the other regarding Carter — whether he is still alive in the penetentiary.

The four deaths that occured during that quarter — Jerry Sherman, of Scurvy, May 1st 1875 — Ben Clark — of general debility — May 14th 1875 — Sije Small of dropsy — May 27th 1875. William Smith of congestion of the brain June 25th 1875. —

Carter is still in the prison there & is in good health — He is not in the dry — he is out at work.

Q — Is William Smith the one you spoke of as having held a post-mortem examination over?

A — Yes sir he is the one — the date is June 28th

The Coroner — Mr Sullivan — Have you any questions?

Mr Sullivan — You say Carter is still in good health?

A — Yes sir —

Q — Where did you last see him?

A — I don't remember sir — I could'nt answer that, but I know if he was not in good health he certainly would not be out at work — He certainly would be placed on the sick list —

Q — That is the way you know it?

A — Yes sir,

Q — Is that a proof of his being in good health?

A — It is presumed sir, if he was not he would certainly be in the sick list or under treatment,

Q — That is you suppose he would, You know of

In case since the 18th of November - as to cases for any further back - where sickness has resulted from treatment given to the convicts - either shipping or any other?

Q - I wish you would put your question - it is too indefinite I would rather it should be a little more definite.

Q - I will put the words in another form - do you know of any convict - who has been sick from treatment received in the penitentiary since November last? - What is your statement?

A I know of no more than what I have already testified to in my evidence.

Q - Well that is not exactly the question - I don't recollect exactly what you testified to - My recollection is you said there were none.

A - You have the notes there Mr O'Sullivan.

Q - We have not time, I would rather you would answer yourself.

A - Well I don't know Mr O'Sullivan - I gave the cases as nearly as I could from memory.

Q - Can you answer that question directly whether any convict - has been sick from ill treatment since November last?

A - That is merely asking questions already answered in my previous testimony - I think a great deal proper you should recall my previous testimony.

Q - You have never known of any body dying in the Penitentiary from ill treatment?

A No sir - I have not.

Q - Have you always made your certificate of death after satisfactory examination of cases?

The Witness — Have I always made a certificate of death after Satisfactory examination?

Mr Coe Sullivan — Yes Sir,

A — I think the certificate of death have always been given — though there may be instances where I have not furnished them — but where the Coroners Jury have been Satisfied with the circumstances as given by the Doctor — The cause of death certified to by the Doctor — There may be some instances where regular Certificates have not been made out — The Jury is always summoned in case of death — whether the regular Certificates have been made out or not — There may be instances when no certificate has been made out — but at the same time the Coroners Jury has been Satisfied as to the disease or cause of death always — I think Thing I to the best of my knowledge there has always been a Certificate given — I never state that the Doctor gave no certificate — the Coroners Jury would come to their conclusion any way as to the cause of death — irrespective of the Doctors Certificate — It is merely ———

The Secretary of State — Doctor; I believe you stated that you did not know whether Carter was the man you treated for some ulcers caused by the bath — or not,

A — No Sir — I couldn't assert it — I went over to get that information off the Books — I looked through that portion of the books on which I thought it appeared — There was no note made on the books of giving him any medicine — but I like Say for the information of the Board — that I Sir gave some ointment to one or probably two men who have been bathed,

Q — You have no means of knowing the names of the parties?

A— One of them I think was named Jones— The other I think was Carlin though I cant Concur to it.

The Board adjourned to 9 O. clock A M of Thursday Sept 16th

Thursday September 16th 1875—

The Board met at 9 A. M. pursuant to adjournment— Present The Governor, The Secretary of State and Attorney General— as heretofore— Mr Ward— Mr Rose— & Mr C Sullivan,

Testimony of C Barclay— Recalled—

A. Barclay. Recalled

Q— The Governor— In what capacity are you employed in the Penitentiary now?

Answer— I am in charge of the Guards books & of the Safe— Issue Slips in the morning & Slips in the evening—

Q— What is This Book?

A— It is the Wardens report,

Q— Does that book contain the names of the prisoners as they are entered there & the day of their coming in & going out— living released

A— Yes Sir,

Q— Does you by examination of that book know many prisoners have escaped from the Penitentiary from the 18th of last November to the present— time?

A— Yes Sir & am the first— last night I made a Memorandum,

Q— What— number have escaped since then— You made your Memorandum from that book Did you?

A— Yes sir— There have been thirty seven escapes,

Q— Since the 18th of last month?

A— Yes sir,

Q— How many of them have been brought back?

A— Thirteen of them,

Q— Thirteen out of the thirty seven?

A— Yes sir,

Q— Do you know whether any steps have been taken by the keeper to get the balance of them?

A— Yes sir he has taken every step he possibly could by offering rewards— & sending out parties after those who had escaped,

Q— Did you sir— looking over the list these notices sir what months the escapes were the largest?

A— No I did not,

Q— Where were most of the escapes made from? From the penitentiary proper or from the places where they worked out doors?

A— From the places where they worked out doors,

Q— What proportion of them?

A— Nearly all,

Q— Nearly all here made either from the farm— from the brick yard or the coal mines— to answer it— in short?

A— Yes sir,

Q.— This book you know contains a correct Registration of all the prisoners that are Employed there in and Released from there?

A— Yes Sir,

Q And you are the Keeper of this book?

A— I am the keeper of this book— I made a memorandum of the Money paid out by Mr Ward— Those Money are paid out as Rewards for prisoners Escaped Each,

Q— That is since the 18th of November last?

A—Yes Sir—

(Witness produced the annexed memorandum)

"Amounts paid as Rewards for Recaptured Convicts named below from November 18th 1874 to Sept 16th 1875?

"	A. Wilson		8/75
"	Lanthorn	" "	25—
"	C. Moore	" "	5-0
"	Sutherland	" "	120
"	Udder	" "	80
"	Bamfield	" "	5-0
"	Booker	" "	5-0
"	Smith	" "	100
"	Balls & Thompson	" "	170
"	Rocky Bill	" "	75—
"	Brice Cullen	" "	5-0
"	Grimes	" "	30
"	Extra 4 ps Sutherland	"	25—
	Total		8850

"This does not include the expenses of pursuing parties sent from the Penitentiary & loss of time etc— which amounts to about £300— more

Number of escapes— 37
Recaptured " 18
24

Q— Whose does it just up?

A — The amounts were eight hundred & fifty dollars.

Q— That you know to be correct?

A— Yes sir —

Q— You say there at the bottom of the memorandum "This does not include the expenses of prosecuting parties up to the time at which said dollars were" —

A— Yes —

Q— What you think to be correct too?

A— Yes sir I think to be correct— it may be a little under.

Q— What do you call this Exhibit "A" or "B" or any particular name?

A— Yes Sir,

—Testimony of J. W. Austin—

J. W. Austin a witness summoned at the request of Mr. C. Sullivan. being duly sworn according to Law testified as follows.

The Court— Mr C Sullivan have you sworn Mr Austin— I do not know what particular object he had you summoned for— Where do you live now?

Answer— I live in town— I have been out of town for a little time & was summoned from there.

Q— Are you engaged in the Penitentiary in any Capacity?

— A— Yes sir —

Q— Have you been since the 18th of December to the present time?

A— Yes sir,

Q— Do you know any thing in regard to the management of the Penetentiary there & the treatment of the Convicts by the present Lessee & his employes since the 18th of December?

A— I dont think I have ever been there since that time,

Q— Have you had any opportunity or occasion to know any thing about the treatment of the prisoners in the Penetentiary — or of the management of the Penetentiary by Mr Gross or his employes?

A— Well nothing at the Penetentiary at all,

Q— Have you at any other point?

A— I was Superintendent of the Scotia Coal Company for a year — Convicts were worked there — some of them twenty or thirty I think,

Q— Was that ever since the time I speak of the 18th of November last?

A— A part of it has sir,

Q— The Scotia Coal Mine is above here?

A— Yes sir,

Q— How many Convicts were worked there for Scotia?

A— Well they ranged from twenty to thirty,

Q— Who had charge of them while they were working there? — Employing generally all the time from that time back — to the 18th of November last?

A— I think Mr Gross has had charge of them during the time

Q— William Hunt,

A— I think a young man by the name of Martin had charge of them also— I am not positive as I was since the 15th of November,

Q— How were the Engines at work the Cloth'd, Mr Austill?

A— Well I think most of them had a deal of— I dont know what they do call it— Cotton goods— brownish Cotton goods—

Q— Well was the Suit a Comfortable one for them?

A— Well I should hardly think it— less in Cold weather,

Q— Did they have an Shoes?

A— I think they did do,

Q— Do you know the amount of work— the task that was assigned to each one of them in Picking?

A— I think the task of those that were mining was fifty buckets a day,

Q— Was that task a heavy task or not?

A— Well he had Citizens who did much more than— that previous to their coming there— It would depend a good deal upon a mans experience in Mining,

Q— Do you know whether or not they were able to perform the task as a general thing that was assigned them?

A— I know nothing of the accounts which they kept of what their men did do— I was told that was their task— whether they did or not—

not — or did more — I dont know sir — I had no means of knowing

Q — Did you hear any complaint from those that the work was to be done to perform?

The Jurys — Name the Convict?

The Coroner — Yes sir,

A — I never had any conversation with them,

Q Do you know how they were fed while they were there?

A — Well I was there very little of the time — I was there probably twice a month to spend a day or two,

Q — You are not there regularly?

A — No sir — My business was here & I went up occasionally,

Q — Do you know how they were fed — as to quantity & quality?

A — Well I can state from general terms — but how much was given to each man I do not know — I saw the food carried in the building they were kept in,

Q — What was the impression made upon your mind as to the quantity & quality for the number of convicts there were there?

A — Well I dont know that it made any impression particularly

Q — You dont give it any thought?

A — No sir — I know the Keeper complained sometimes that it was difficult to get food & know by experience it was, He kept Boarding there their ourselves — He told me he must have Little Rock & sometimes the meat would not come for a day

or two and he would be out of meet a day or two, I have heard him make such remarks as that— I had nothing to do with that part of the business & did not give any particulars about it,

Q— In what kind of building were they put away for the night after the work was over?

A— It was constructed of posts of oak— set in the ground all around— & rough boards outside of them. I regarded it as a safe building so far as that was concerned,

Q— Did you examine the inside of it after they were put in there— So as to form an opinion as to its being comfortable or uncomfortable for the season?

A— Well it was a pretty cold building in cold weather,

Q— How were they ranged off— what kind of resting places— or beds?

A— They had bunks wide enough for two or three men to lie upon & three or four above each other,

Q— Do you know of any cases of infliction of punishment there upon those convicts while they were at work?

A— I never knew any sir,

Q— Did you hear of any force any one connected with the Penitentiary or the Convicts—Themselves?

A— Yes sir I heard two or three of the Guards— & I heard Mr Wards Son speaking of it himself,

Q— Speaking of punishing some of the Convicts—there?

A— Yes sir—

Q— What kind of punishment did they say they gave them?

A— Well I think they were tied up & whipped with a strap— that is my understanding of it.

Q— Did they say they were whipped severely or how did they say they were whipped?

A— Well they spoke of it as a general thing— that when they whipped a man they generally calculated to make it tell— or something like that, I don't know that any man was whipped when I was there I know only what I was told.

Q— Were you heard of any cases of severe— unusual or hard whipping?

A— Nothing except hear say.

Q— Do you know of any cases of sickness from ill treatment whipping, or the want of proper food— or any thing of that sort?

A— I don't know that there was any sickness from that cause.

Q— The last day you spoke of just now— has it gone any one connected with the convict in any way?— the first case do have you speak of any thing from General Gannon.

The Witness— Of the whipping boy here?

The Governor— Yes sir,

A— No sir it was not gone that,

Q— Is from the convict?

A— No sir I never talked with the convict on any such subject at all that I know of— I never had

a Convict - Day any Thing about being whipped.

Q — Was there any deaths while they were there?

A — There were several deaths at some time — but do not know whether it was after the 18th of January or not —

Q — Were you provd reason to believe what the Cause of their death was?

A — Only one of them,

Q — What was that?

A He was shot by one of the Guards.

Q — Do you recollect his name?

A — I think his name was Prescott — I do not know whether that was his first or last name that is the only name I know him by.

Mr Hand — The Coroner asked the name of the prisoner.

A — I don't know what his name was.

The Coroner — Do you know what he was shot for?

A — Free accidentally.

Q — Did the shot kill him instantly?

A — He died with-in five minutes probably I was not there — but I was there the next day or two & they told me about it;

Q — You heard of it after you went up?

A — Yes sir — I think the same day that Mr Hand heard of it — the Inquest was on it inquiring in

to it- I see who was to blame about it,

Q.- Just before accident- were they holding the gun or playing?

A- To- was carelessness that is about- I call it- I don't think it- was intention to kill the convict- or any thing of that kind. I think it- carelessness for a man to have his gun cocked + pointed at a convict-,

Q— Describe it,

A— He had his gun resting on the top of a board some ten or twelve feet high & the convicts were coming up to go into the mine to work- As they advanced to the shaft he let his gun drop from the top of that board on to another one and the gun went off & hit- This man I believe through the arm & through the body

Q- The date of that do you recollect?

A Were it I could not tell you now- My impression is it- was late in the June-

The Coroner- Mr Sullivan do you wish to interrogate Mr Austin?

Mr O Sullivan (to Witness) Was the building for the men in a condition of comfort in the winter time?

A- Sure I should regard it- as rather uncomfortable for me- I don't know how they were-

Q- Do you know if there was sufficient- bed clothing?

A- They had a bed tick with straw in it- & some blankets- how many I do not know- I saw blankets & beds for them to lie upon there,

Q.- Did you hear any Complaints of want- of sufficient- bed clothing?

A— In this

Q— Do you know of what the Convicts there were sick generally speaking— what they were sick?

A— I think I don't know any thing about it— but what I was told— I never was in there to see a sick Convict— but once when I was there— Maid vomited in Mr Williams House— it go in & see a man one day & see what I thought of him,

Q— What was the nature of his sickness?

A— Well he had been sick for some time then & he said he didn't think he was going to get well & then was no way of keeping him there— I think he died in the Back there day or the next— by one of the Guards,

Q— Did you know there the Complaints prevailed among the Convicts— the reason for them?

A— I have no actual knowledge of it only hear say,

Q— What was the hear say in the matter for Convicts?

A— Well it was ——

Mr Rose— Did you hear of it from any one connected with the Convicts?

A— Yes Sir— it was I think the chills or bilious Complaints that was the general character of them

Q— Do you know any thing of your own knowledge Mr Absolon or did you hear from those connected with the governing of the Convicts how they were treated in the mine— the one in which they were worked?

A— They were required to do a certain amount of work I understand,

Q— Tell if they didn't do that on Sunday ~~morning of last~~ they were whipped

A— Yes Sir,

Q— Name your knowledge of what you saw, how many you seen that time?

A— Well I have never known any thing about penitentiaries— only this— I call it Eather Eight— I know it— is common in all penitentiaries,

Q— Did see any of them whipped Friday?

A— Never saw any of them whipped— No Sir,

Q— Do you know when they went down into the mine in the morning?

A— Well I think about Daylight,

Q— When did they come up?

A— Well generally about Dark— that is I can only say any thing about that— the times I seen them— I never— them only a very little time,

Q— They were not brought up during the day you mean?

A— I think they were Sir— I know I have seen them brought up— when I have been there— I don't know they always did— I suppose they did— I never had any reason to think any otherwise,

Q— How long do you see they allowed?

A— Well just time to eat their Dinner,

Q— —— about how long would that be?

A— Well; from thirty minutes to an hour I think,

Q— Did any prisoners escape to your knowledge or information while you were there?

A— I suppose that is after the 18th of January?

The Coroner — Yes sir — you must come down,

A— I don't know whether any escaped after that there was escapes there but I do not know exactly what time — Most of the escapes were just after they came up there — which caused being it previous to that time — I don't know that any escaped after that,

Q— Do you know of any United States Prisoners working at the mines?

A— I do not sir,

Mr Rose — You were saying that the treatment was pretty rough — Do you mean it was rough for a — Penetentiary?

A— I don't I did not know but it was common in penetentiaries

Mr Ward — Isn't the life of a miner pretty rough itself?

A— Yes sir,

Q— Wouldn't you so consider it?

A— Yes sir,

Q— And was the manner of living & use of the convicts particularly rougher than the miners themselves were?

A— Well I do not know that it was — the miners were pretty generally a pretty rough set of customers...

Q – Are there any other buildings on the ground?

The Witness – I am what?

Mr Ward – Have the one the Convicts were kept in?

A – Yes sir,

Q – Wasn't the house they were kept in about as comfortable as any of the balance of them?

A – Well I think that building has not battened as well,

Q – Have any of the houses only single planks?

A – They are single houses with battens over the cracks,

Q – Well didn't there have battens on?

A – No Sir,

Q – Didn't they sit inside?

A – Yes if they did they took them off,

Q – Didn't they have a stove in there – a good sized one for the house?

A – I think there was a stove there,

Q – Don't you know they were able to make any house comfortable up there in the winter with a stove in it?

A – I should think they would – as far as I have ever noticed it was customary to keep men in all the building rooms, I have only occasionally –

Q You have kept up there occasionally haven't you?

A— Yes Sir,

Q— Were you on the Ruffin Farm Cold?

A— Well I Think I Was one night— One Day Coloe night Where it Froze Day hand,

Q— You Speak of the men Burning Cotton Goods— Do you know of their burning those for the mine? Were they Strikers or?

A— If they did— They had it inside the Cotton,

Q— Did it They use the Cotton in the mines?

A— Yes Sir,

Q— Do you know that they do it Change after they Get out?

A— No Sir— They may have— Those who worked outside had Strikers I know,

Mr Rose— Did you Say of your own knowledge— Mr Austin that the prisoners were out worked?

A— I did not Sir,

Q— Did you Say of your own knowledge that they were under fed?

A— I did not— Only at times— There were times when Mr Hall told me himself he had'nt enough for them— The butcher in Town was sued after Cutting up meat,

Q— Speak from your own knowledge,

A— I know very little of it— I was there Some very little of the time

Q- Do you say from your own observation that they are badly & insufficiently clothed?

A- Such I regard them as being rather thinly clad for winter - what I saw as they went into the mines, the only time I had sight of them,

Q- In so into the mines does it require such clothing?

A- It is not cold in the mine - it is about the same temperature - the year around there,

Q- Do you know of your own knowledge that they were - whipped at all?

A- No Sir,

Q- You speak of the task that was imposed upon them Do you know whether that task was imposed upon all of them - if not our fifty bushels a day - or only upon certain ones?

A- Well that Mr Ward below me has the task for the miners I suppose it was for all of them,

Q- How much was the amount usually gotten out by the other hands employed there, before the Contract was taken in the Mines?

A- Such they averaged from twenty five bushels to a hundred,

Q- What was the average?

A- Such the generality of miners calculated to get out fifty bushels a year;

Q- Sometimes they got out as high as a hundred,

A- Yes Sir there was one miner got out a hundred two or three different days,

Q— When they got out- fifty hundred- how long in the day did they work usually?

A— They went into the mines about seven o clock & they would get through from three to five

Q— When the Convict- miners got through their task did they do any thing else?

A— I dont know that they did do,

Mr Q Sullivan— You are speaking of three miners now Mr Austin?

Mr Rose— Yes of the Convicts,

Mr Q Sullivan— You are not speaking of the Convicts now— are you?

Mr Rose— Yes sir,

The Witness— In what respect?

Mr Rose— You mean now Mr Austin— that when the Convicts got through their task any day— that they did nothing else that you know of?

A— No sir— not that I know of.

Q— When they first went there— were they not awkward in the business?

A— They must- have been naturally— new business to them,

Q— When they went first— was any task imposed upon them at all— until they got acquainted— with the business?

A— I dont think there was for awhile,

Q— Dont- you know from the account ever-

- dred at the end of the month of the number of bushels that the Convict on the average did not put out as much as forty bushels a day?

A— Well I dont know how many men are kept mining,

Mr Ward— You know how many your contract called for— Dont you?

A— Yes Sir, Do you mean that as an average for all the men that worked there?

Mr Ward— Yes Sir,

A— I think the highest month's work was only about eleven thousand bushels,

Mr Rose— How many miners are there?

A— I dont know Sir how many are working mining.

Q— How many Sir there on that business?

A— Three probably twenty five all together— Three worked at mining & three wheeling & three dumping,

Mr Ward— Dont you know there are over thirty there one month & you complained of it— of there being so many?

A— Yes Sir— I think there are twenty two there one month,

Q— Wasn't that the month that the largest amount of Coal was taken out?

A— Well I couldn't tell— My impression is the largest amount of Coal was taken out— There one month when John was up there— but I think that was previous to the time that investigation commenced any way— he was up there in the summer— Dy & Emmerts right,

Q— Does you know dat de coroners inquest held on de man who was killed accidentally?

A— I only got it from hearsay.

Mr. Reid— You are telling a good deal from hearsay.

A— Yes sir I have no doubt of it— because dere was a good deal of excitement up dere & I heard it from different sources.

Q— do you know that was the verdict of the Coroners Jury— that he was shot accidentally?

A— I think it was— yes sir.

Mr Sullivan— Sir Curtin you say the building in which they slept was not boarded or battened— I had cracks in it?

A— It was not battened— it was boarded up.

Q— Was there openings?

A— Just what the lumber leaved, after it was put up there.

Q— Is it usual for all the Convicts at the mine, to work in the mines every day?

A— Yes sir.

Q— Was any of the Convicts there employed at any thing else except mining?

A— Well we have different clases of labours around a mine— A miner is the one who the picking— he calls him a miner— and we have men who wheel coal & want to assist in hoisting— dumping & screening

Q— I mean if any of the Convicts were ever employed

in any thing outside of the actual production of the Coal whether in picking it—or shoveling it—whether employed as police around the grounds or in any other way?

A— In in this way one employed as cook there—Another as a Servant of Mr Gilliam Ward. I saw mine acting as policeman.

Q.— I mean by that cleaning up the grounds,

A Yes sir— I think I have seen them working at that,

Mr Rose— I understand Mr Jay—that the building in which the Convicts were confined was a log house—or made of logs— a stockade—or something of that order, describe it—if you please.

A— It was built of posts—set or eight inches in diameter—set in the ground I should think two feet, & capping off ten feet & shaved smooth, sawed out openings and timber put on top of that & then down two—by six spike put on the outside of these—& then plank put on the top of these two by six,—the building was covered with poles, under the plank roof—so that the prisoners could not pry the planks off— The floor was made of sawed timber of two courses—laid cross wise—& then plank over that— so it would be impossible for them to dig out— I reckon it was about as safe as the penitentiary & as hard for a man to get out,

Q— This place was planked on the outside?

A— Yes sir,

Q.— Was there any place for ventilation except between the planks?

A— Only at the door—I think sometimes there was a little opening at each end & in the door,

Q— What was the size of that building?

Q— What was the size of that building?

A— I measured it once but it was quite a long work— My judgment is about Eighteen by twenty——

Mr Ward— Eighteen by twenty.

The Witness— Eighteen— is it?

Mr Ward— Yes sir.

Mr Rose— What number of men did your contract call for?

A— I think it was twenty men— with the privilege of increasing the number.

The Secretary of State— Are those posts put round close together in the ground?

A— Well there is a little space between them not much— two or four inches perhaps— I don't know— but they are close together at the ground— They are crooked some— they couldn't make them— just as rough trees as they were— cut down.

Mr Ward— They were as close as they could be.

The Witness— They had to a man couldn't get through— any way.

Mr Rose— Didn't you complain when there were more than twenty men there? And wasn't the number reduced?

A— I think at one time there was a complaint— entered that there were more men there than he called for— getting out Coal— more than he had use for.

Q— Are you Clerk in that business?

A— I am connected with the Coal Company— I am not Superintendent Sir,

Q— Were there more than Thirty men there at any time— from November until they quit—?

A— I suppose so,

Q— At what time were the convicts taken away?

A— They were taken away about the first of March I think

Q— Have there been any there since?

A— I understand they are there now,

Testimony of A. Barclay— Recalled—

A— Barclay— recalled—

Mr. O'Sullivan— Do you know how many of these escaped prisoners were United States prisoners?

Answer— I think about seven— I will look & see— (Witness refers to the register) That answer may stand,

The Governor— Sworn?

A— Yes Sir,

Mr O'Sullivan— You could not tell without further examination Mr Barclay about the nature of the crimes these parties were convicted of?

A— Not from this book— I could not give you any idea, —

— Testimony of L.H. Plunkett —

L.H. Plunkett a witness summoned at the request of the Govt — being duly sworn according to Law — testified as follows,

Q— Mr Rose — State whether or not you a Convict in the penetentiary by the name of William Smith?

Answer — I did do,

Q— Where was he sent from?

A— From this County — City,

Q— What was he sent for?

A— He was sent for assaulting a police Officer — that was myself — with the intent to kill — and others at the same time,

Q— What was the character of the man?

A— Bill Smith was the most desperate man I think I ever came in contact with — He was a daring fellow — did'nt seem to have any fear of any thing — or any regard for himself or his life or any one else's life — I suppose you want me to make a statement as to the cause that led to this shooting?

Q— Yes: you may do so,

A— He was noticed as a vagrant running around the City for some time, & had been arrested on the charge of stealing chickens I think served a term on the chain gang — He had been skulking out on lumber piles & the steps of buildings — store steps — & I became very suspicious

of him — & gave instructions to the police — to arrest him on sight — & bring him up again on a charge of vagrancy — Mr had been notified by the judge to leave the City & had failed to do so, —

I came along about two or three in the morning & found him at the Levee — on the steps of what is known as the Murphy-Building — I discovered the inmate at two in August — in September I believe of Custer — there were some negroes camped there — travellers — I found him lying on the steps with a bundle under his head, I woke him up & asked him what he was doing there — and he said he was sleeping — I asked him if he had'nt been notified to leave town — He said "yes — he was not going to leave" I then placed him under arrest — & he went into me ten or twelve steps & turned with a revolver to me & said — "You damned son of a bitch — I am not going with you!" I told him he would — & just as he turned he threw his pistol right at my breast — I was about four feet from him — I ran at him pistol & threw it up with my left hand, drawed my hand with my left hand, drawed my hand back with my right — & struck him — I was too close — he caught my club — I had the muzzle of his pistol but he had the butt hold — he had the breach, I called for assistance — the negroes close by not knowing I was an officer — did not come to assist me — He was a powerful negro — a hundred & eighty or a hundred & ninety — I should think as large as me Myself — & stouter than I — I saw my only chance was to get my pistol & he said "You damned son of a bitch I'll kill you!" — He threw down his pistol & we both fired about the same time, he broke & ran — & we exchanged another shot apiece, I think he got into the door on the levee and I did not pursue him any more that night.

The next morning about day-

I summoned four of the other Officers, I took one of them & proceeded the first block I came to below the Kramer School House to come up the block, I concluded he would conceal himself somewhere in the bushes during the night & intended to jump him up in the morning & capture him. I discovered him at the foot of the ravine sitting on the bluff - He had his shoes in his hand & was barefooted - had a bundle, He soon found the Kempstead bottom he pursued him - He had a large pistol - but threw any of us - a long range pistol - & it aroused all the neighbors in the vicinity. - It was just a little after day break - & a boy with a shot gun came out in the street, - He had just turned a corner - There is a slaughter pen - with a high board fence, As I came by the corner - the boy hailed him with the shot gun, He broke toward us with his pistol - He had one load in it. The police ran back - I thought - I had one load in my pistol - but I had not, As he came by me - he threw his pistol down on policeman Brady & said - "Oh! you son of a bitch - I have got you!" Just as he threw his pistol down I jumped out with my club & knocked him down, from the corner of the fence - He then held him and had to drag him by main force up to the Jail, I am sure he was the most brutal man I ever came in contact with, That is about all I know (Nichols - subsequently denied to me that policeman Riley had concealed himself with Nichols at the corner & the two springing out together Nichols knocked him down with his club)

Mr C Sullivan - Is that the only time you had any difficulty with him?

A— The only time Mr O Sullivan — I mean arrested him only that time — Mr Heppel I think or Garrigan — I think — arrested him on the charge of chicken stealing — once before,

Q— Have known him to steal any thing?

A— He was arrested on the charge of stealing chickens,

Q— You don't know whether he did steal them or not?

A— Well I think he worked on the Chain Gang — on that charge, At that time this Ingram — was in jail once,

Mr. Ward— Did you know that he had served a term in the Penitentiary before?

A— As I was told, that he was a Convict who had escaped from this Penitentiary — but I do not know it from my own knowledge — or that he had served a term in the Penitentiary — but I do not know it,

Mr. O Sullivan — That is all you know of his character?

A— That is about all — Mr O Sullivan,

Testimony of Coroner John H Howe — Jr —

John H. Howe Jr — a witness summoned on the request of Mr Ward — being duly sworn according to Law testified as follows —

— The Coroner Mr Howe you are the Coroner of this County I believe?

A— Yes Sir,

Q— When did you commence the discharge of the duties of your Office?

A— Well I have almost forgot myself Summit has had a special election after the general election in last November— I think the election was in April.

Q— Since you have been acting as Coroner have you been called to hold inquest on any deceased convict of the Penitentiary?

A— Yes Sir.

Q— How many?

A— On the 27th day of May— I held an inquest on the body of Jeff Small.

Q— What did the Jury find upon examination of the testimony— In have been the cause of his death?

A— Dropsy.

Q— That was the first that you had?

A— That was the first case— Yes Sir.

Q— You have got the testimony & proceedings before you— have you?

A— Yes Sir.

Q— What is the book— in which you kept them?

A— Yes Sir— a duplicate of the papers. I files (Witness produced the Record)

Q— What was the last penitentiary Convict upon whom you held an inquest— ? give Date— Name of party— & ale—

A— The last inquest I held was on the 24th

day of June on the body of William Smith a convict in the penitentiary for a term of three years - for assault, with intent to kill,

Q - What was the finding of the Jury upon the testimony there?

A - The Jury find a true bill but I would like to read the testimony of the Doctor - he can show they did it according to his ———

The Court - You may read the entire testimony if you have it there,

A — I have it,

Testimony of A - Foster — Am a guard at Penitentiary was on duty at the prison on the 23rd June. Did not see the man shot - but was by him as soon as possible, - think he was not dead when started to the Penitentiary, - but died on the way. Seen no one abuse him, in any manner, have been guard for six or seven months

(Signed) —— A - Foster,

Testimony of A R. Jacobs, — Name of deceased Wm. Smith — was a colored man - This man was sent out Thursday morning about 4½ O Clock A M June 23rd 1875 - sitting to the form or sick yard - I turned him out with others, but do not know to which place he went, The man sent out with this man returned to the prison at or about 7 - 15 P. M. - This man did not return — I knew there was one man short, but that was not noticeable on this occasion - because there was also a guard out - The body of Wm Smith was brought to the prison in a cart, I first saw the body lying on a pallet form at the door of the house - where it was lies - Did not examine the body.

Supposed him to be dead- Did not know the Cause of his death, I am acting as Deputy Warden of the Arkansas State Penitentiary

(Signed) "H. R. Jacobs-

Testimony of- Dr. J. H. Lemm. I am the Physician to the Arkansas State Penitentiary, I first viewed the body of Wm Smith- (Colored) on Thursday June 28th 1876 between the hours of 8 & 9 o'clock P.M. I examined the body & found two external injuries- My opinion of the Cause of the death of the person before me since making a post-Mortem examination- is that he died of acute Congestion- produced by exposure incidental to field work- upon a very warm sultry day-

(Signed) J. H. Lemm M.D.

"William Smith (Colored) was a Convict- in the State prison for assault- to kill for the term of three years. age- 30 years- Claimed Texas as his home- about- 5- feet- 8½ inches in height and would weigh about one hundred & eighty- pounds- (180) "

The Witness- The finding of the Jury was- "Sunstroke" - I reckon They took it- because it- was Congestion of the brain it was Sunstroke,

The Coroner, How go to the last one,

A- The last was the 8th day of July on the body of Joseph Patterson,

Q- What- was the finding of the Jury there?

A- Softening of the brain- Caused by Syphilis,

Q – Any witness beside the Physicians?

A – I have Mr Colbaugh the one in charge of the Hospital – out there.

The Coroner (to Mr Rose) Do you desire the testimony in that case to be read?

Mr Rose – Yes sir,

The Coroner – Do you Mr O'Sullivan?

Mr O'Sullivan – Yes sir.

The Coroner (to witness) Come to the next one if you please

A – On the 12th day of July 175 – at the Penetentiary farm,

Q – Who was that person?

A – Shot – was one the body of John Guynes aged 26. years,

Q – What – is the finding of the Jury in that case?

A – The Testimony of Several witnesses is given
(– witness reads the record of the Coroners – Jury as follows) –

——"The Jury find that the said John Guynes – came to his death from gun shot – wound – fired at the hand of Jesse Goode Col – ? Convict – after the man had surrendered & given himself up –

The Coroner – Read the testimony there of Mr Brindle will you Mr Howe?

Q – Can all be read if you desire it – Do you desire it – Mr Hughes? —— Judge Rose?

Mr Rose —— Yes sir,

The Court— Mr O'Sullivan?

Mr O'Sullivan— No Sir,

The Court— Read Mr Trimble's testimony—

Mr Howe,

The Bishop read from Record as follows—

— Testimony of J. M. Trimble—(white)—

— I live opposite on the Trimble farm, I was at work when I heard the shooting, I came out to the bank of the River, I ran up to the Yard- place which is in Corn— There he went under the bank— He came down some 15 or 20 yards, There he hid under some banks— I came down to the River bank— with my hoe— for the purpose of trying to prevent him from escaping There was a crowd of men (6 or 8— Congregated, when he was- part of them left & only three remained— In a few minutes this man slid down to the River, Heard some one say— "Here he is!"— Known some 20 feet out I heard something said— & the man turned & then came back to the bank— got near the bank— and nothing toward the police who shot Had his hands up— I saw a man shoot him & he fell back, — Do not know whether white or Colored— Only one shot fired while he was in the water,

(Signed)— "J. M. Trimble"

Q— Did you take the testimony of Wade?

A— Yes Sir,

The Court— Read that if you please,

The Bishop read as follows—!

Testimony of Jesse Wade Col'd

— I am a Convict— I was running off—

Me & the other Creeks got after him, He got down in the bank by the River — Lewis Washington started off & heard him & he started down the River bank and jumped in; and started to swim over, I never heard any one curse him — She Guard told him to halt, — He was in the water when I shot — at him Only shot — once — Coming to the bank when I shot, I shot — him & he fell back — Never said nothing or made any motion — I hailed him — I shot — him with a pistol —

(Signed) — "Jesse Boyde" ——

The Bishop — Washington was not before the Jury,

Q — Is there any one else to testimony bearing upon the time of the shooting?

A — Yes Sir,

The Foreman — Read that then,

The witness Evans as follows —— Testimony of Alexander Hamilton — He was working with me & clearing ground — I was up in the mark — clearing off brush — I saw him Running — I shot at him 3 times — Do not know whether I hit — or not — it was about 11. O'clock — Had no trouble with him before — Do not know his name — He was running away when I shot — I shot with a Rifle Gun —

(Signed) —— —— —— —— Alexander Hamilton

Testimony of J. H. Proctor. (White) — I am Paid as the Superintendent — He broke it & run he all (the guards) shot at him — I shot as him through a brush heap — Do not know how many shots me Guard at him when in the River — I fired once with a Rifle Gun — I shot with a pistol — I hit him

(Signed) —— —— —— J. H. Proctor his — mark

Testimony of J. J. Hill (white) —

— I am guard at the penitentiary — Do not know his name Me & Hunter were working together — I seen him running & hailed him — He looked back like he was going to stop & kept running & I shot at him — I shot once running from me when I shot — I shot with a rifle gun — I don't think I hit him, Don't know any thing about him after he got in the river — It is my order to shoot any one trying to escape —

(Signed) — "J. J. Hill" —

Testimony of —

— S. D. Shreveburg (white)

— I lie on the opposite side of the River — I saw him running — I was opposite the lower bottom farm — when the shooting commenced I saw a great many running both Guards & Convicts — He hide under a bush — All of them here over him — & all left but one who discovered him & hollowed to the balance — that how he was — & the man then ran & jumped in the River — Two or three Colored men came down to the River & called him a damned son of a bitch & told him to come back to the bank — In the water about knee deep — & had his hands up & said — "Don't Shoot!" "I give up!" "I give up!" — I was in the River in my boat — The man that shot was only 15 feet from him — He fell in the river after he was shot — He was coming to the shore when shot — I did not try to capture him or otherwise — try to prevent him to escape — The shooting was almost as quick as I heard the words "Don't Shoot" first —

(Signed) — — — — "S. D. Shreveburg"

The Coroner— Go to the next one if there are any more of the Convict over whom you held inquest—

A— On the 20th day of July 1875 on the body of Thomas Green Colored—

Q— What was the finding true?

A— Death by general debility—

Q— Have you any other?

A— On the 9th day of August— George Harris white Convict— six for five years for murder, from the Cherokee County— Verdict— of the Jury— inflammation of the brain,

Q— Have you any others?

A— No sir,

The Coroner— Is there any question Mr Sullivan you wish to ask Mr Howe?

Mr Sullivan— In all these cases Mr Howe did you have a Physicians Certificate— Certifying as to the manner of death?

A— Yes sir— I in the majority of cases— if his Certificate would not be there— I would and after it in person

Mr Rose— Did you examine the body of Smith?

A— Yes sir,

Q— After his clothes were taken off—?

A Yes sir,

Q Did you perceive any marks of other violence on the body?

A— Some Whatever Sir,

Mr Ward— Did the Doctor say any Thing to you about Harris? Has he ever been out at work at all?

A— By my memory serves me aright he said the man had been in the Hospital almost ever since he have been there— In two or three of these cases— I have had Notice of it— three or four weeks in advance— The Doctor would tell me he was in bad Condition— I am looking every moment for a case to go up & see a man now

Q— Entered the Jail in that Condition did he?

A— Yes Sir,

—Testimony of Zebulon Ward—

Zebulon Ward— a witness Summoned on his own Request— being duly Sworn according to Law— testified as follows—

— Mr Rose—

Mr Ward make any Statement you deem proper

Answer— I merely wanted to make a Statement in regard to Harris's treatment of that Man Smith as stated by Mackey Yesterday— He states in his testimony that Christ has punished nearly every half hour through the day— The Murder has already stated he punished him twice— of that I know nothing— only once— I am at the Farm every day— when in the County at all— Generally in the forenoon about 11 O. Clock & then go back directly after Dinner— I go up to the Farm on the day mentioned there— about 3 O Clock I think as near as I can recollect— I drove

with the fields where they were at work - Capt Reba
with me - I noticed one squad of men some two
hundred yards I reckon - behind the others & I remarked
in the rear row, I observed the Warden stepping
a man at the gun squad - I did not pretend to
count the backs at all - & I invited Lee he came
out to me & told him never to permit a man in
the fields again - It was a matter I did not like
at all - He asked me what he should do with
such a man as that - He agreed to work - cursed
the guards & all that - asked me if he was to let
him sit - there till night - He said they have
to hire him to get any thing out of him - I told
him to lock him up in a cell & keep him there
- Two other guards had come to me & asked me to -
take him out of their squads, that they would
have to kill him if they any thing with him - that
he was so abusive to them they could not stand
it - and this man Washington - was one of them
I remained there till the men quit work in the
usual time in the evening - Capt Peck also
and he came down with the men as far as
the Jordon Place - and I know he was near
hit - another lick after I got there - I drove
into the town that evening - on my way out I met
one told me One of my guards had knocked a
man in the head I said that a German
who lived up on the hill above Saunders - had
told him so - whom I recognize as the same
man who was here the other day - Mr Dreyer,
I didn't know his name at all - I
went on to the prison - and when I got there
heard of this man Smith - who had a fit
& faster was left with him - that is the
man reported to me as having knocked
him on the head, - The other facts are re-
ported to the Coroners Jury - & you have
heard them -

Q - What time was it - the whipping was
done ?

A— It was about three O. clock, I think Sir, I had had my dinner at Home & gone back there, & it was about that time the Cryer whipped him once before that day— I am quite sure he did not whip him any more— because I was there after that evening, & came with them down to the brick Yard. —

— I want also to state in regard to the clothing of the Convicts at the Mines.— The Cotton Cloth the Creature speaks of was a more Mining Suit made for them so they could have their Clothes dry when they came out at night— It was an extra Suit— made to mine in —— I have no other statement— that I wish to make unless Mr C Sullivan wants to ask something.

Mr C Sullivan— No Sir.

The Witness— As to the provision they get— they have been estimated to me, they have been eating three barrels of flour & four to five hundred pounds of meat— which amounts to nearly two pounds to a man, & a pound & a half— to a pound & three quarters of meat, & they don't get enough— it is something singular in the history of feeding men for it— it is more than any other men get.

Mr Rose— How much beef has each man?

A— They eat four to five hundred pounds a day— which amounts to a pound & three quarters. There are thirty odd of them at the Coal Mines now— which reduces them to two hundred & ninety one men

Q— Do you think the punishment in the prison is any more severe than is actually necessary in order to maintain discipline?

A— Well I do not- Sir, I dont try to have it any more so— or any more frequent;

Q— Have you been acquainted with other prisons?

A— Well I have been in both the prisons of the United States I reckon nearly, & Corresponded with nearly all of them— There is a greater diversity of opinion in regard to the best mode of managing— its mode &c as any— in regard to any thing in the world I reckon,

Q— In what proportion as the prisons of the Same kinds you have visited— is Corporal punishment used?

A— Well I cant tell Sir, it— is in all the Prisons South— & been in many prisons North— At— Sing Sing— They have abandoned it— for a long time— They have resorted to the lash again I remember in the Spring seeing in one of the St-Louis papers— how many lashes a man has hit- at Sing, Sing,— They have tried every thing both in England & America There have been many books written on the subject- I think;

The Northern prisons of Course— differ widely from the prisons in the South, a greater proportion & indeed nearly all the convicts in the Northern prisons are white men, while in the South a very large proportion you understand are negroes,— If you take a negro & give him a choice— in regard to the punishment— he would say— this- for so many licks & let— me go- he would rather do that any time than to have his liberty taken away from him, If— it a mode of punishment they have been accustomed to— In this— prison— the inmates are of a more elet-

illiterate character than any I have had in the prison — & this is the third prison I have had charge of — There are not half a dozen mechanics in this prison, all kinds put together — & they — How is there room in the prison to work one fifty or fifty five hundred men — How strong — & I have found it utterly impossible to procure copies in working them out — It has cost me a great deal of money as appears from the report of Mr Barclay. There — & requires great additional & [illegible] in Guards & men & the first & it is more difficult to enforce discipline necessarily —

The Attorney General — Colonel do you know what is the usual ration of beef & meat allowed for a man a day?

A — The Army Ration I think is three quarters of bacon — & maybe a pound & a quarter or a pound & a half of beef — & in bread sixteen ounces — that is my recollection,

Q — Is that a full Ration?

A — I think so sir — They have other things. Beans — Rice & so forth sir — but those are the staple provisions,

The Secretary of State — Mr Hand — is there any regulation stated in the Contract that you made with the Commissioners for the leasing of the Penitentiary — for you to be governed by such Rules as the Commissioners should establish — & they have any Rules — ?

A — They adopted the Rules that already existed when I went there,

The Person, Mr Secretary upon that point do you know whether these rules are in force office or not?

The Secretary of State— Yes Sir,

The Person—(to Witness) Have you them in your Office?

A— Yes Sir,

The Person— I wish you would furnish it—

Mr Hart— I will do so Sir,

Up to the 18th of November as far as aware— There was a Superintendent— who was there all the time, Mr Robinson at first— General Churchill afterwards— who was there very frequently,

Mr Rose— Another question— In regard to the severity of the punishment practiced in this Prison— Compared with other similar institutions you have visited,

A— Well Judge that would be a mere matter of opinion— as to whether it was cruel to punish a man with the lash— or the dungeon— or head & water— or tying him up by the thumbs— I regard this thing of tying a man up by his thumbs till he faints— as the most cruel way of punishing,— You see in Texas about putting a man on a horse & tying him up to bull Rings— but I have never seen it done— The most severe punishment I have seen— was at Nashville— I have nothing to do with the discipline or punishing Convicts there— They were fed and dressed by the State— The Labor turned over to me every morning returned back every evening— for which— I paid so much a day—

Q— What was the System of punishment adopted there by the State?

A— They give it with a strap or Cat & nine tails — the I got them to abolish it & take a smooth strap — They sometimes cut a man all to pieces with it — I have had men there frequently complain of being so cut up — they would not work — & I have seen their clothing stained there with blood, I have expired to work those men & turned them out again,

Q— Do you think you can take the Penitentiary as a System of Moral Reform alone?

A— No Sir — it is utterly impossible — There are a number of men who are sent to the Penetentiary that — you get nothing out of except by brute force — There is nothing humane about them scarcely — the punishment is generally confined to a small portion of them

The Attorney General — The large majority are not punished at all?

A— A great majority of them are never punished — In instances the Indians whom many persons think lazy & worthless are more afraid of punishment — than any man I ever saw — It is very rarely that one is punished, I have never been astonished at a set of people & agreeably disappointed in my life — & there are few in the prison sentenced for limited State prisoners — & there are but nine of that number that have ever been punished — As Mr A Sullivan has been asking a great many questions about them

I have taken some little pains to look into it. They are generally in on a short sentence - usually one for a year - some nine months, some six months & I have had them as low as thirty days.

Mr Rose — I understand you - the principal difficulty that exists in the management of the prison - is the result of inexperienced buildings?

A — Yes - I don't say that at all - that is one trouble but there never was a penitentiary managed without trouble. The class of men that go there are not - such as you would want to make associates of generally — and are men that would trouble any where in the world.

Q — Could not the prison be more systematically conducted if there was room to mark them as inside?

A — It certainly would - & with much less trouble & expense,

Q — Do the rules prescribe the method of punishment?

A — They prescribe the punishment by the lash - but in other, or both cases - there has been the custom - ever since I came there & do has been kept up - The greatest difficulty I find in managing the prison is in managing the men I have to employ. About as much trouble in that as in anything else. You have to hire twenty or thirty men to look after prisoners for you, I have always found it difficult all my life in selecting that number of men to select the proper men in sufficient numbers - I have never had any one of whom I approved; Others again would not punish at all - I have had grands since I

here been here - who were always glad when a man came away, & some who I think became money by the time granny - it is in here opinion known - I cannot it - & it is a difficult thing to prove,

Q — Is there a witness to prove the statement you have just made?

A — Yes sir - the law requires it; & it has been complied with in every instance since I have been there, If a man should complain of not getting enough to eat it is the fault of the Guardian or Superintendent = because his instructions from me are - that they should always have plenty - & it is always there to give them,

The Secretary of State - This man made the statement - Is he a convict there?

A — Yes sir —

Q — How long has he remained there?

A — He is there yet,

Q — How did it happen that he was carrying a pistol?

A — He was not carrying a pistol - That is the fault of the Colored Guard who gave him a pistol - & told him to use it,

Q — He is a trusty man - is he?

A — He is a mail Carrier - often when a man undertakes to escape - fifteen or twenty miles before he is missed and have to catch him, sometimes they go to dangerous, I discharge the Guard who

gave this man Rhode the pistol, Rhode is a Con-
-vict & never had any such authority or place,
The Grand gave him a pistol — He carries water
for the men who are chopping — The man who
was killed by him — didn't belong in that yard
at all — He walked in the back yard — He picked
out & kept with this man no doubt He escaped
The Grand Lounte — found he have a man two
men & found it was this man from the
back yard — but he had no one & and knew
with him, & he allowed him to stay the morn
& he ran away — Between 10 & 11 o'clock he
ran away, I reckon it was about eleven,
because I was just coming from the upper
place, & came down just after it did occur,
The had just gone him out, There was nobody
who could recognize the man that shot him
at all — Rhode admitted it to me himself, I asked
him who shot him — & he said he was the man,

Mr Rose — What was Rhode put in for?

A — I think it was about stealing a Hog, I
am not certain — I think that was it though,

Q — State what character of fellow is Rhode in
the prison,

A — It is what is called second class fellow,

Q — Bolted or unbolted?

A — Bolted in always — & such as most color-
-ing men are I presume, The Guards & offi-
-cers — when I am feeding am there, & it
is the same that I see when I am feeding
on Cross Road — many of them pray for
them — & I always try to pray for them,

Q — There is no doubt about it being him — is there?

Gov— I reckon not.— Old Washington Clairborne is ale it for ten months, or sitting during his sentence where it may be— I have had Mr Pengle or Arnold who sold me the farm to testify— Jim has any body been put on indicted or unjisted? Neal, I have the meal ground myself, & Jim got out any but what is good— I claim that I am as good on the average as any laboring family in the town or State has, & will wager that four fifths of them live better than they did before they went there, at least they pay as— or as good— I occasionally have a fastidious lawyer there who finds some fault,

The Board adjourned to 9. O. clock A. M. of Tuesday September 21st.

Tuesday Sept 21st 1875—

The Board met at 9. A. M. pursuant to adjournment. Present— The Governor, & the Attorney General— as new also Mr Hood— Mr Rose and Mr C Sullivan,

Mr B. Hood— filed, as directed by the Board a Copy of the Rules & Regulations of the Arkansas State Penitentiary— which are as follows,—

Rules & Regulations for the Government & Discipline of the Penitentiary—

The Office—

1st— The office shall be in charge of the Clerk— who shall likewise be the Custodian of all books & papers connected with the Penitentiary or its inmates,

2nd All business of the penetentiary shall be transacted through the office.

3rd All convicts or prisoners before admission in to the prison shall be examined in the office by the Warden - who shall cause them to be delivered to the Clerk - all money - valuables - or other articles for safe keeping.

4th In the absence of the Superintendent, his powers & duties shall be performed by a Deputy - Specially authorized so to do,

Duties of the Warden.

1st The Warden shall attend daily at the prison from the hour of unlocking in the morning - until the prisoners shall have been locked up at night;

2nd He shall spend the whole day in a general supervision of the Guards & prisoners within the prison - direct them in their duties & receive Reports from the Guards of all disobedience or violation of the Rules by any person connected with the institution & report same to Superintendent;

3rd It shall be the duty of the Warden to keep a book, in which shall be entered a record of all Convicts who are entitled to Commutation of time for good conduct;

4th He shall cause the Locks - Doors - & Cells of the prison to be examined daily.

5th He shall be constantly moving about the institution - within its walls - visiting frequently but irregularly & without notice - the Workshops - Kitchen, Hospital, & all other departments of the Prison

6th He shall inspect the arms & equipments of the Guards at least once a week - & report

any Guard who may be found deficient in the Required amount of Ammunition, or whose Arms or equipments are not in proper order. He shall inspect all the Arms & equipments not in daily use as often as once in two weeks,

"7th The Warden shall not grant leave of absence to any Guard for a longer period than one half day without Consulting the Superintendent of except in Cases of emergency.

"8th He shall see that the Convicts are marked from the time when they commence in the morning, until the top of the bell in the afternoon; which shall be struck in time for the Convicts to be locked up at least within a half hour after dusk down,"

"9th He shall punish for all Violations "of the Rules of the Prison as herein prescribed."

— Duties of Contractors & Foremen.

1st Contractors & Foremen shall hold no intercourse with any Convict, other than those employed or superintended by them, or upon any subject whatever other than the business carried on by them,

2nd They are to confine themselves strictly to their business & are not to leave the shop where their business is carried on — to visit any other part of the prison, without the presence of Warden — Superintendent or Clerk —

3rd Their intercourse with the Guards of the prison, shall be such only as is necessarily connected with the prosecution of the business under their charge,

4th They are not under any circumstances to inflict any punishment- or to enforce the discipline in any manner upon any Convict- whatever,

5th They are to report to the Warden having charge of the Convicts- in their Department — all violations of the Rules & Regulations of the Prison & any improper Conduct- of the Convicts.

Duties of the Guards.

The Guards shall be the agents of the Superintendent in enforcing the police & discipline of the Prison & in carrying into effect the Laws & government thereof.

1st It shall be the duty of the Guards to attend at the Prison at the opening thereof, & not to absent themselves therefrom on any pretext- or excuse during the prison hours, except by permission of the Warden,

2nd While within the Prison the Guards shall refrain from singing, whistling & coupling, immoderate laughter, boisterous Conversation, exciting discussions on politics, Religion or other subjects provoking criticism or Sarcasm & all other acts calculated to disturb the harmony & good order of the Prison,

3rd In their intercourse among themselves, the Officers & Guards of the Prison are at all times to treat each other with that mutual respect & kindness that become Gentlemen and friends, & are required to avoid Colloquies, Jealousies, Separate & party views & interests among themselves, & are strictly forbidden to treat each other with disrespect or ungentlemanly epithets,

4th They shall not while on duty hold Conversations with each other, nor with Contractors or their Foremen- except such as may be necessary in the discharge of their Duties,

5th Sentries shall they be engaged while on duty six reading- writing (other than making necessary entries) or in any other employment, Calculated to interfere with Constant- watchfulness & Vigilance,

6th They shall not under any Circumstances allow prisoners to speak to speak to them upon any Subject not immediately connected with their duty- employment, or Wants,

7th They shall keep the Convicts under their charge diligently at the several occupations at which they are employed.

8th They shall not permit them to hold any Conversation with each other, or with any person whatever except those allowed by Law, Nor Communicate with each other by Signs & Signals except as hereinafter provided,

9th They shall admonish the Convict on the least appearance of insubordination, & report the same to the Warden immediately,

10th They shall not punish or strike a Convict with a Cane or Stick- or with the fist or fist- or any Weapon unless it be in Self defence- or to quell insurrectionary Conduct,

11th They shall not allow the Prisoners to leave their work without permission, Nor shall they allow them to speak- or Sing or Dance,

12th They shall not receive from- or deliver to a prisoner any article or thing- without the consent of the Warden,

13th As soon as the Prisoners are locked up at night- each Guard having charge of a division shall report Immediately to the Warden the number they have locked up- or have in charge,

— Special Duties of the Night-Watch —

1st— They shall go on duty in the morning at the sound of the bell, which is also the signal for the discharge of the Day keepers — & remain in duty until the signal is given in the morning for unlocking the cells of the Convicts.

2nd The Night-Watch shall be held responsible for the decency of the Prison, & see that good order is maintained during the night; They shall report in the morning any unusual occurrence or any Violation of the Laws & Regulations of the Prison that may have taken place during the night; It shall also be their duty to call the Warden at any time that they may regard his presence necessary.

3rd It shall be the duty of the keepers having charge of the halls during the night to be moving around the cells in a silent manner, that they may be able to detect any unnecessary noise, & it is strictly enjoined upon them not to hold the least conversation with the prisoners — or suffer the Prisoners to speak to them — only in cases of sudden illness & to make known their immediate wants, & to use their utmost exertion to suppress noise of any kind — & to report to the Warden any Violation of the Rules & Regulations of the penitentiary of the prisoners while in their cells.

— Duties of Convicts, —

1st— The Convicts or prisoners — shall not Engage at Visitors, nor hold conversation — with each other, either by words or signs, nor with any person — except with their respective Overseers — in the legitimate discharge of their duties — unless in the presence of the Superintendent — Warden, Clerk — or Physician,

2nd The Convicts or Prisoners shall render immediate obedience to the orders and directions

of the Officers & Guards placed over them - and any complaint to the Superintendent of any actual or understood abuse, frivolous or groundless complaints will not be allowed under penalties & additional punishment;

4th For all willful violation of the Rules & Regulations of this prison - or for disobedience or contumacious conduct toward the Superintendent - Warden - Clerk - Physician - Foreman and Guards, the Convict shall be punished either by confinement in dark cell - & feed on bread & water - ball & chain or Stripes,

The following enactments of the Legislature of this State, are presented for the information of all, ~~for whom~~ they may Concern;

An Act passed February 2nd 1867.

Sec 1st Be it enacted - That any Convict, who shall willfully and maliciously burn - or cause to burn - or attempt to burn said Penitentiary - house - or any of the buildings thereunto connected, shall be deemed guilty of Arson & on Conviction shall suffer death, & on the trial of such Convict or Convicts, for such Arson, any of the Convicts in said Penitentiary shall be a competent witness'

Sec 8 - Be it further enacted, - That for the encouragement of prisoners to conduct themselves with industry & propriety, it shall be the duty of the Governor whenever it appears from the Reports of the Contractors or Superintendent the conduct of a prisoner has been exemplary & unexceptional for a whole month together - to Commute such prisoners time of imprisonment for any period of time, not exceeding ten days for each & any month that he may have so Conducted himself;

"Also Sec 8 of An Act approved December 17 1858:

... If any Convict shall escape or conviction thereof by indictment, he shall suffer such additional imprisonment as the Jury before whom he may be tried, shall direct, not less than five nor more than ten years, If any convict shall openly rebel against the keeper or any other officer of the penitentiary or with intent by open violence to escape thereupon he she or they so offending, shall on conviction be punished by confinement thereon, during his, her, or their natural life; & if any two or more convicts shall conspire together & shall have carried their intention into execution, on conviction thereof, they shall undergo a further imprisonment of not less than five nor more than ten years, to commence at the end of the terms of time for which said persons were under sentence of confinement."

"Also An Act entitled 'An Act to provide for the better Control & management of the Penitentiary' approved March 28" 1871.

Sec 24 — Be it further enacted, — That any Officer Clerk, Guard, Employee or any other person who shall wilfully neglect or corruptly keeper, permit, or in any manner assist any Convict to make his, escape, he she, or they shall be guilty of a felony, & on Conviction thereof, shall be imprisoned in the Jail & Penitentiary House of this State for not less than one year, nor more than five years, at the discretion of the Jury trying the same; & the Circuit Courts shall give this act in charge to the Grand Juries of Pulaski County at each term thereof.

— "Duties of Gate Keeper. —

1st The gate Keeper shall not admit any person by expt the Judges of the several Courts, Grand Jurors, Inspectors, & Members

of the General Assembly, not officially connected with the prison - either in or out of the same unless passed by the Superintendent - Warden or Clerk, - Nor permit persons other than those officially connected with the prison to enter in the Gate Room,

2nd The Gate Keeper, shall not pass any articles or goods - in or out of the prison, until the same be first reported at the office,

"Hospital Management.

1st - The management of the Hospital is under the exclusive Control of the Regular Physician & no Convict shall be moved in or out of the same, unless by order of the Physician -

2nd The Physician may designate any Convict for the Nurse or Hospital Steward, & the person so designated shall perform such duties in the Hospital as may be prescribed by the Physician, said Steward or Nurse shall be removed only on the approval of the Physician or Superintendent,

"

By permission of the Board - Mr C. Sullivan took the Documents into his possession for examination, with the understanding it should be returned to the files,

Compulsory Attendance of Witnesses, &c,

The Governor - There is a question in regard to the powers of the Commissioners to compel the attendance of witnesses - I referred the matter to Mr Hughes - the Attorney General for an investigation, as much as to Mr Rose as Counsel for the Lessee: and we should be glad to have their opinions upon the subject this morning, ——

—We have noticed all the witnesses whose names have been given; A good many of them have attended — a some have not,

The Attorney General — I examined the Statute, and I could find nothing that would empower the Commissioners the right to compel the attendance of witnesses, So far as my investigation went — I could not find that they had any such authority; The law does not seem to contemplate it; Such power is given by the Statute,

The Governor — Judge Rose, as you have investigated the matter, what is your conclusion?

Mr Rose — I came to the same conclusion, there is a defect in the legislation upon the subject, There is no power of any kind given to the Board to summon witnesses: Then I could discover,

The Attorney General, — I examined the question under the head of "Witnesses" — "Means of compelling attendance," & so on — & could find nothing,

The Governor — I stated after the last adjournment of the Board — to issue a preemptory summons & place it in the hands of an Officer, before doing so however, I examined for the authority, and concluded to have the question investigated, I gave it my self — No further investigation.

We have had before us all the witnesses whose names have been given in, except perhaps three or four,

The Attorney General — Except four — Yes sir, — One at Hot Spring, One in the Country, & Two who were sent for Yesterday Evening,

The Governor, — Mr C. Sullivan — Do you know of any way by which you can get here these wit=

Witness that you have named?

Mr C. Sullivan— They are around the street every day. One of them works at Parkers Manager Office; & the other one is here every day.

The Coroner— But they don't come.

Mr C. Sullivan— Mr Goodard told me he was coming this morning.

The Coroner— Was he here this morning— Who is the other one at Parkers?

Mr C. Sullivan— There is one of them there— I forgot the other mans name, would it be convenient to adjourn the investigation for 24 hrs?

The Coroner— I am on another Board which is to meet at eleven: & I will have to say this— that we fix tomorrow— Thursday— Friday— and Saturday— as the three days in which to close the investigation.

Mr C. Sullivan— I think it had closed a week ago.

The Coroner— Well: We do not want to leave out any thing that touches the matter at all— & is of any importance; but these witnesses seem being given— We have made every effort by letters & Telegrams to bring them here, & do not want to close the testimony— without obtaining the evidence of any person— whose evidence can possibly be material to the investigation— We will then fix Thursday or Friday— peremptorily— for the continuation of the investigation We will not go beyond Saturday— The notice is given to both sides to get in their testimony (to the clerk) How many witnesses have been examined?

The Clerk— I have not the means at hand to state

accurately at the moment— Done truely,

Mr O Sullivan— I would like to have Pat Mahon, & Dinn O' Shanahan: both of whom live at O Shanahans at the Depot,
—— There is no authority to pay expenses?

The Govnr— No. I would do that out of the Contingent fund & ask the Legislature to cover it afterwards,

[The witness Woodard here made his appearance]

—Testimony of D H Woodard—

D H Woodard a
a witness Recommended at the request of Mr O Sullivan testified as follows—

——— The Govnr— Mr Woodard this is an investigation respecting the management of the Penetentiary under the Control of the Warden Commencing at the 18th day of November last, and extending up to the present time, I wish you would state if you please, if you have any information about the management of the penetentiary by the Guard within that time,

Answer— Yes Sir— I dont know any thing about it.

Q— Have you been engaged in any capacity at the penetentiary?

A— Not since that time— Yes Sir,

Q— Not since that time?

A— Yes Sir.

Q— Has it fallen within your observation within that time, to know or find out any things in reference to the treatment of the prisoners by Mr Ward—

A— Yes Sir— Dont know any thing about it,

Q— Have you had occasion to know?

A— No Sir,

Q— Have you had an opportunity of knowing how they have been clothed during that time?

A— No Sir— I have not,

Q— Do you know of Mr Ward— or any of them using Sir Rice— whipping any of them, severely during that time?

A— No Sir, I know nothing about the penitentiary during that time — nothing at all,

Q— Do you know any thing about the way they are worked upon the farm or in the Circle Yard during that time?

A— No Sir— I do not,

Q— Do you know whether any of them have been permitted to wear their clothes until they rotted off them— within the time stated?

A— No: Sir,

Q— You say you do not?

A— I do not: Sir,

The Attorney General— Mr Sullivan & Mr Ward, declined to ask the witness any further questions

(In the absence of an Officer qualified to administer the oath— the administration of the oath to this witness was waived by Mr Sullivan By Mr Rose on behalf of Mr Ward & by the Board.)

Mr Ward— I have no body else to bring,

Mr. Sullivan I do not— know that I have,

The Board adjourned to 9 o clock A.M. of Monday Sept 23rd

Tuesday September 28th 1875

The Board met at 9. A. M. pursuant to adjournment present— The Governor— The Secretary of State & the Attorney General - as men also— Mr Rand— Mr Rose & Mr C Sullivan,

— Testimony of Patrick Maher. —

— Patrick Maher a witness summoned at the request of Mr C Sullivan being duly sworn according to Law testified as follows.

— (Another witness having been sworn at same time)

The witness, you may as well take me first— I have been out there among the Convicts all the time— I don't want to be brought into this thing at all,

The Governor— Where do you live— Mr Maher?

Answer— At Mr Shanahans— I have been working, now——

Q— What kind of work?

A— At Mr Jordons— farming, since the twentieth of last March.

Q— Have you been engaged at working in any capacity in or about the Penitentiary?

A— No Sir,

Q— Do you know any thing Mr Maher of the management of the penitentiary by the present Lease— Mr Rand?

A— No Sir,

Q— Do you know any thing of Mr Rands treatment of the prisoners in the Penitentiary?

A— Yes Sir— I have been in— I cannot exactly tell the time, though, it was in the latter part of June or the first of July ~~I~~ never thought there would be any ~~trouble~~ about it, & I kept no track of it; going home from work one evening— I believe it was sometime in the beginning of March last, some of the convicts were away & some while fellow got killed, I believe a couple of them were United States prisoners— There was one white fellow I believe got killed out here— & the balance of them got catched— I believe eight got away— & five were catched— But two was never catched & one was killed— He has a white fellow.

Q— What was his name?

A— Sherman (as understood)

Q— Were you there when he was killed?

A— No Sir— I was in town— He was killed on the high road by one of the Guards.

Q— You didn't see it?

A— No Sir,

Q— Who told you of it?

A— There was a young man into the house who was at the inquest.

Q— What was his name?

A— Tom White,

Q— Where is he now?

A— He is living there,

Q What was in March?

A Yes sir— some time in March— I don't know exactly the time —

Q— Did you know who killed him?

A No sir, I don't know who killed him— the rest of the fellows got catched,

Q— They caught the balance?

A— Yes sir— They had a ball & chain I think,

Q— After they caught— Mean you mean?

A— Yes sir— I heard Mr Ward say they had eight months to serve— & they would keep the ball & chain on them, till they would be out,

Q— What was after they were caught—?

A— Yes sir— I heard Mr Ward himself say that.

Q— Did you see these prisoners after they got away?

A— No sir.

Q— All you know them about, it is what you heard?

A Yes sir— All I know to say about them is— that I was going home from work one evening— a fellow by the name of John Cashin— He is on Section 32— now— I was ploughing— & riding a mule home, & outside the penitentiary brick yard— One of those fellows that been away last spring, was a colored fellow & with a ball & chain at the time— and coming down between the brick

and the bridge, I seen one of the Guards beating one of the fellows, & he down and John Wood over him - and he was on a gray horse. By the time I got up - I heard John Wood tell the Guard - to give him food, by the time I got up - the Guard reached John Wood a revolver, that is what he was beating the Convict with,

Mr Rose - When was that?

A - Some time in the latter part of June or first of July.

The Coroner - This last?

A. Yes Sir.

Q. John Wood - was beating the Convict?

A - Yes Sir - He was on a gray horse, & was his orders - He had no coat on, he was in his - shirt sleeves - By the time I come up - the - Guard reached John Wood the revolver, One of the Convicts - got up & rushed: & the man - had a ball & chain: and when he got up he was not able to walk - when he would make an effort to walk - he would fall on his head & again on his back - He was not able to stand up - - That was the one he was beating.

Q - Do you know the name of that Convict?

A - Yes Sir - he died the next day - It came out - in the paper the next day - he was - Jems Enoch,

Q - You say he was a Colored man?

A - Yes Sir - One of the fellows that I saw away that - last March - When that same evening -

Dein Shanahan & I were sitting on the door step ——

Q— First= tell me if you know the name of the Convict?

A— No Sir - I do not-

Q Go on & state the other matter.

A— That- same evening down at Shanahans - I was setting on the door step: & the Darkey Convict that shot the man on the River —He was a great— friend of John Hands- he told me he had given him a hundred & fifty lashes that same day- —that- nigger that got killed

Q— The Convict- who killed the man in the River told you that he had given a hundred & fifty lashes?

A— A hundred & fifty lashes - before that- the same day.

The Secretary of State — You don't mean the man that got killed in the River - but the man who killed him;?

A— The man who killed him,

Q— The man whom they were whipping- for a hundred & fifty in the Cotton field the same day?

A— That- is all I know about it, I never seen them do any thing more to any body else,

The Coroner — You have no information but- what- you have stated?

A— No Sir, Only they Stuck every thing out there, I have seen a Guard going through Sim Shanahan's Cotton field — & I went after him out- in the woods & asked him what was- the reason he took the Convicts through the field — & if he could'nt- go round the road with them,

Q— Who was that?

A— I don't know his name—he was one of the Guards— I told him it was no pleasure ground, He asked me how much corn was pulled; & I told him I didn't know—I told him I didn't mark any at all pulled then as long as I was hired to look after a man's business, He told me to go to John Ward & see him about it; I told him he was the proper man to look after & not John Ward, He had charge of the Convicts he was guarding— He was sitting down on a stump when there was a tree cut down— it was a pear tree on the Jordon place— He told me— he took his needle gun in his hand— & told me if I didn't go out there quick— He would make me get out of that,— I never went to John Ward— or said any thing about it, because I knew I wouldn't get any satisfaction— I told him there was only one tree of apples— and a Convict came & took all the apples; & he said if I said much about it— The next day he would come & take the tree away with him— That is all I know about it— I didn't catch him at the tree of apples— Another man caught him three times, I never catched him there only once,

Q— Is there any thing else you know Mr Maher?

A— No sir I never say any thing only just what I am sure of.

Q— Mr. Maher— Do you know the names of the Guard you had this last conversation with?

A— No sir— I don't know none of the guards— I just passed them along when going in & out— I have nothing to say to them and they have nothing to say to me, I am

— only working for another man.

The Secretary of State — & The Attorney General not desiring to ask the witness any further questions.

Mr O'Sullivan — Whom did this ground the apple tree was on — belong to?

A — Wm Shanahans

Q — Was there more than one Convict in the field or near the tree — or around there?

A — It was not me that catched him — it was John Drugan. He was picking them & seed one of the guards send him up there — he commenced crying — The old man is here in town yet — John Drugan is his name.

Mr Rose — What business were you in before you went to Wm Mrs Shanahan?

A — I worked on the Cairo & Fulton — I worked for Nine Months on Section 24.

Q What kind of work did you do?

A — I worked on the Section — on the Repairs of the Cairo & Fulton.

Q — What did you do before that?

A — Well I have been on the Cairo & Fulton for the last two years — pretty near. before then I have been working down on the Levee in Louisiana: & I have been working in Arkansas for the last four years — between Poplar Bluff & Chicot. I worked two years at Col Swain's on the Chicot road — I can tell you every place I have worked the last four years — if you ask me.

Q — Can you read & write?

A No Sir I cant-tell a mile- because I have been a fool- like a good many more,

Q- How far were you from the man you saw this fight beating?

A - By the time he was reaching the revolver the revolver- I was as close to him as I am to you now [about-eight-feet-] the gun in the- right- hand side of the wagon track & I was at- the center of the road,

Q- You say the man died the next- day- How do you know that?

A — I dont- know except as I heard say so,

Q- You dont- know of your own knowledge?

A- No Sir- I do not,

Q- Who told you so?

A — It- came out in the papers- he got- himself

Q — What- papers was that in?

The Witness — Sir?

The Rose- What- papers was that- in?

A- It- was in the Evening Star,

Q- The Evening Star? Where did you see that paper?

A- Down at- the house- at- Jim Shanahans. One comes there every Evening,

Q- Were you ever here of a man being stuck- in the Month of March?

A— This was not in March at all.

Q— It was not in March?

A— In Oct— it was in the latter part of June or the first part of July— it was not my business.

Q— Which Mr Ward was it— that was there— that had a pistol?

A— John Ward.

Q— Do you know what the man was beaten for?

A— No Sir.

Q— How close were you to the man that was beaten?— When you first saw him?

A— I couldn't exactly tell the distance

Q— Give it as near as you can.

A— It might be a little closer than a hundred yards, from the time I first saw him beating him— he was still beating him when I came up— I can show the place where I first saw him.

Q— Just answer my question— Was there any body with you— when you had the conversation with the Convict?

A— No Sir—

Q— Where were you?

A— I was sitting on the door step— Yes Sir there was another fellow there— but I don't believe he could hear my voice— he was a Convict too— He was a white fellow— He is out there working for Mr Ward too.

Q— What is his name?

A— He is a deaf fellow, he has got a green patch over his eyes— I don't know whether that gentleman heard him or not— I am not aware,

Q— Did you have much Conversation with him?

A— No Sir,

(The testimony from this point to that which the form of questions & answers subsequ-ent is recommenced is given from the notes of Counsel)

——— Did not have much talk with the Convict— Did not know it was against the orders to talk with Convicts— Do not know the names of any of the persons I have mentioned, Cannot describe the Guard— He was about five feet nine inches high— Never saw him before or after that,— Don't believe that I would know him now, Could not know the Guard that I saw in the Cow field— Don't know that I could know him again— John Casher— saw the beating with a pistol— Guard hit him on body & shoulders— Could not say how often he hit him— Did not say what they were whipping him for, I know that he had on ball & chain— All the Guards saw it— Do not know how many Guards saw him— Never made any complaint to the Ward— I saw him nearly any day— I was only hired to work— Guard in field had mustache— small whiskers, it did not produce much impression upon me— Casher is on the Rail Road— at work,

— Testimony of Jim Shanahan—

Jim Shanahan a witness Summoned at the request of Mr C Sullivan, being duly sworn according to Law testified as follows—

— 2

know nothing of present management of Penitentiary— Let men going now without shoes— Every morning they go without shoes—

is pretty Cold— I did not notice last night whether they had on shoes or not— I never did see them have shoes, I was once in penitentiary about three months ago— I was on Coroners jury on the man killed in the River,— They ought to have shoes & coat— Some had stripes— Some not— Some have jackets— The biggest part have no shoes, Convicts have trespassed on my property— Two of them said there was a mule in my field, I found no mule— but two or three Convicts getting peaches, I told Johnson Ward about it— & he said— "Why don't you kill the d—d— sons of b—s?" I did not want to hurt them— It was about 8 P.M. when I saw them— They ran away— I have never known them to trespass on me at any other time— Could not say how much I was damaged by them,

Examined by the Attorney General—

— I know that the men here Convicts because I saw them before driving—

Examined by Mr Rose—

— I have been living at the Depot two years & eight months, before that kept a Bar Room— Keeping Bar Room at the Depot now,— It was one moonlight night about a month ago— that I saw three Convicts in my field— three of them— Had no words with them— Only got in about a hundred yards, The Corn in the field was cut in Shocks— I know them by their appearance— They did not have on stripes— Had on shoes I think, Get Ward— whipped some of them for going into the field, One of the Guards— told me so— The men I saw had on Coats— black— Citizens Coats— Could not be mistaken about their being Convicts— Don't know how many peaches they took— I can't say how many peaches so they took— There were plenty of peaches & apples in Mr Woods field right close by— They were in the field after that & took peaches & apples— Could not say whether they had on

shoes last night— Thursday morning I saw about twenty five without shoes in com, they were going towards Mr Ward farm, would not know the convicts I saw in the field— if I were to see them— I told Mr Ward several times about the trousers having been Committed— I could not distinguish the men— I do not know how many men out of it right— the whole penitentiary might have been out for ought I know, I saw them of an evening— about four hundred yards coming into the Penitentiary.

Testimony of J Foster— recalled—

J. F. Foster, recalled—

Examined by Judge Rose—

I had Charge of Smith the day he died, he was not beaten with a pistol, he had no ball & chain, Had no pistol that day— Had he been beaten that day with a pistol, I should have known it— John Ward was riding a little bay Horse,

Examined by the Govnor—

—— Did not talk with Maher— that day, I do not know Maher by name— but I know the little Irishman that plows for Gim Shanahan,

Testimony of John Ward— recalled—

John Ward recalled— I did not see any one beat a prisoner with a pistol, Never saw any one strike with a pistol except once— a Negro— when a man struck at him with a knife— & he knocked the knife out of his hand with a pistol— No more was done— I was riding a little Bay Horse the day Smith died, I did not see Maher that evening—

— Examined by the Govnor —— Shanahan—

Complained of Trespasses on his fruit, & told him to get a gun & shoot them - I said this because I knew the trespassers were not Convicts - I told him if he could find any Convict trespassing I would punish them - I Caught outside negroes taking the fruit & Wood - They took it nearly all - I am satisfied the trespassers were not Convicts, there was four times as much fruit in our orchard - as in Shanahans - Only a plank fence between - Only two planks on it,

- Testimony of Geo W Craddock. -

Geo W Craddock - a witness summoned at the request of Jno C Sullivan being duly sworn according to Law testified as follows.

The Attorney General - Where do you reside?

A - At the Penetentiary.

Q - What is your occupation?

A - Well - I have been under Mr Hand as a guard,

Q - How long have you been in the business?

A - I - is about six months & a half Sir,

Q - Will you tell the State what you know about the management of the State Penetentiary and the treatment of the Convicts; for instance, How they have been clothed & fed & so on - do for as your observation & knowledge of them,

A - Sir so for as the clothing is concerned it has been worse weather since I have been there as the time & I think no man has suffered,

Q - Describe the clothing they have on,

A - They have had pants, shirts, & coats; When I first came in the Spring - they had shirts & pants,

Q— What were those clothes made of?

A— Made of Jeans— Shirt is the outside dressing— Shirts & pants; the shirts are made of Domestic,

Q— Tell what do you know of the food— the diet?

A— The diet has been first one thing— then another, It has been changed owing to the condition of the prisoners & so forth, part of the time they have had flour bread— & part of the time Corn bread— Changed according to the directions, They have had beef all the time— Coffee & a morning Soup at dinner,

Q— What quality of bread have you had?

A— Well; We have had I believe very good bread, Sometimes when we have having flour bread, & baking for so many men— it was a little sour, that was all the fault I ever saw with the bread,

Q— Has that a common occurence?

A— No Sir— Not often— The first occasion of its being so— it effected a diarrhea among the men— & it has stopped them— & there has not been any more of it;

Q— What have been the Rations since the men? What quantity of bread has given per day?

A— I couldn't tell any thing about the Rations they have been large enough—

Q— Have they ever suffered for the want of bread— or have they had enough?

A— They have had enough to my knowledge I have seen them throw away their bread down on the road, & at the Lick yard.—

I was at the back yard about a month ~~and then~~ men seemed to get along pretty free & I never heard any grumbling in regard to it.

Q— How as to the quality of the meat— Can say they have got on beef— What kind of beef have they had?

A— Very good beef— They have plenty of beef now— Through the Summer it was not quite so good— but I suppose as good as could be produced.

Q— Was it unsound during the Summer?

A— No Sir— it was not unsound— I meant by it was not quite so good,— That it was not quite so fat,

Q— Do you know in what quantities it has been furnished?

A— On an average of two hundred & fifty pounds— In the morning from two hundred— to two hundred & thirty— It has been furnished twice a day,

Q— What time do the Convicts leave the Penitentiary to go out to work?

A— They leave on an average— about seven o'p.

Q— About seven o'p?

A— Yes Sir— I could not tell exactly the time— I know we are leaving about six o'clock.

Q— What time do they return in the evening?

A— About six now— About half past six in the Summer,

Q How far is it from the Penetentiary to the brick yard?

A— Well Sir it is as near as I can guess at— about a mile & a quarter,

Q— How far is the farm?

A— Between four & five miles,

Q— How long does it usually take to reach the brick yard —

A— It takes about half an hour— or probably three quarters sometimes,

Q— At what pace do you travel?

A— At the discretion of the grounds— Just like an ordinary gait— They always take their time,

Q— You say you work at the brick yard awhile?

A— About a month,

Q— Helping to make brick?

A— Yes Sir,

Q— How are the bricks made there— Are the hands tasked?

A— Yes Sir,

Q— What is a task per day?

A— 8700.

Q— 8700?

A Yes Sir

Q— Do you know how that task is generally performed— whether it requires all day, or how?

A— Yes Sir it requires all day for nine or ten— I never saw a man later than half past four getting his task done that came of his own accord; & not knowing how to get his task

done, He had a man named Jackson who used some times to get done by them — a Mulatto the name of Day — some time two o clock — getting through his task — The rest of them would average from three to four o clock — on an average in getting done,

Q — What use they expected to do — after their tasks are finished?

A — Nothing at all Sir — If the yard was in any wise rough — they had to clean the yard, it was at their option whether they did it or not; but they always did it — So as not to have to do it — next day,

Q — Do you know any thing about the mark performed by the Convicts upon the Jarvis?

A — Yes Sir,

Q — State how they are marked on the Jarvis,

A — Well they are marked very lightly & leisurely, They had what I call about two thirds of a Dye mark — I know it is not necessary, with the mark — for he had them any harder, — for he has enough of them to do more work than they have — I never saw them punished, once of reason — at all,

Q Do you have an Ears at all?

A — Yes Sir, He have an hour,

Q — How many hours in the day are the Convicts worked?

A — Well they don't work ten hours now, they work in the Summer about ten hours & a half now he get out at seven in the morning & get at the Jarvis — & work to half past five in the evening,

Q — How long does it take to get at the Jarvis?

A — An hour, it is a little after seven when we

When we get there — probably a quarter past;

Q — When you work until toward evening?

A — We have just five — how we knock off half past five.

Q — And then return to the penitentiary?

A Yes Sir,

Q — Do you know of any Convict having been ordered or compelled to work when they were sick?

A — I do not Sir — only as they would take sick on the farm — or at the sick yard — sometimes there are eight would get sick through the day — & a guard would be detailed to take them in, & a man got sick — he was laid under a shade — there, under a shade — till night,

Q — When reported sick — has he afterwards required to work or not?

A — Sometimes men would report sick, — when they were not sick.

Q — How would that fact be ascertained?

A — It is very hard to ascertain whether a negro is sick or not: a white man — it is very easy to see — from his looks,

Q — Did you have any Exile for that?

A — Yes Sir — The man who had control of them would watch them & send them back for a few minutes — sometimes — watch them & if he saw they were any time fatigued — he would take them away & let them lay down — that is the only way a man could judge there,

Q— Do you know of any instances of punishment that you remember to have seen or know of — of any punishment inflicted?

A— No sir— I have never seen but one man punished since I have been there, That was a negro man from Yazoo County by the name of Grimm, He escaped in the morning about ten o'clock, He was caught in a mule path about sixteen miles off— & was brought back & was punished that night for escaping, I couldn't tell how much he was punished, for I only saw the Overseer hit him three or four licks — but the man was up the next morning & appeared hardly ~~had~~ any sickness that I know of.

Q— Were you there about the 24th of June?

A Yes sir,

Q— Do you know any thing of the whipping of a man named Knight?

A— No sir— I was at the brick yard,

Q— This occured at the farm?

A Yes sir,

Q— You know nothing of that?

A— No sir— I was in a different apartment, It was all by hearsay— & that doesn't amount to anything,

Q On this occasion that you speak of what was this man whipped with?

A— With a strap made of leather,

Q You have not been there of a winter?

A— Yes Sir I came on the 9th. of March.

Q— Have you been inside the Penitentiary— within the walls?

A— For a few days I was in there— for three or four days.

Q— What time was that?

A— Near two months up— I guess— I had charge inside of cells for a few days.

Q— Were you in there frequently?

A — Yes— Every night & morning.

Q— What I want to get at is your means of knowing in what condition the grounds & buildings are kept?

A— My means of knowing are— the warden has often called on me on Sunday & other days to go in & see the men fed.

Q— How are the grounds kept?

A— The buildings are whitewashed every months,— The grounds & steps— every day— & the sewers— washed out— every morning— The doors of the Cells are washed with Coal oil once a month.

Q— How are the Cells kept inside

A — Clean— They are swept out every day.

Q— Are there any disinfectants used— & if so what are they?

A— None that I know of.

Q— Do you know whether they use any Carbolic acid or not?

A— I do not-sir— I couldn't say— If it is used— I don't know

Q— Well— You have stated that you were frequently called upon by the Board to see that the men were fed, from that fact- you have had a good opportunity of knowing how they were fed?

A— Yes sir.

Q— Well what do you state of your own knowledge as to how they are fed— Have they had a sufficiency of food?

A— I consider they have six from the fact- that I have seen them go out of the dining room & leave food on the table,

Q— As to the quality of the food— You have stated some particulars— Is it good or bad?

The Witness— The quality of the food in general?

The Attorney General— Yes. sir.

A— Well: I pronounce it- for a working man— very good— that is— wholesome— I have stated in regard to some sour head issued in the summer, according to the order of the Doctor it- was stopped— The Doctor has had it- changed,

Q— Do you know the condition of the Hospital and how it- is usually kept-?

A— That- is a place I have not been about much I have been in there a few times & there never seen any thing wrong— or smelled any bad odor— about- the Hospital— There are always some men in there, generally any [illegible]— have even talked to an attendant— It- is a place I don't often go anyhow—

of capt- the night- watchman - who examines the place every night.

The Attorney General - You may ask any questions you like - Mr O Sullivan,

Mr O Sullivan - You have the prison now, about what time?

A - About six o clock in the morning,

Q - How long has that time been established?

A - It has been varying - ever since the longest days - We leave a little earlier as the night comes on a little earlier - I have been going about six for twelve or fifteen days,

Q - What time did you use to leave before this?

A - Used to leave - been earlier than half past five the longest days.

Q - What time do you get at the prison?

A I stay up at the prison all the time,

Q - What time is what is called the evening bell in the Summer?

A - In the Summer at about half past four,

Q - That before day light?

A - No sir it is about day light - half past four is broad day light in the Summer time,

Q - How long are they given for breakfast?

A - I have always given them about six - ten minutes - that is all I can testify to,

Q— Right after breakfast you took them out?

A— It takes about an hour to lock them in & turn them out & to get rid of their night-buckets & get them to the table & get them out?

Q— If a man complained of being sick who has authority to excuse him from labor?

A— He is sent to the Hospital Steward & he takes his name & he is kept in the next day— & goes before the Doctor— & if the Doctor excuses him it is all right,

Q— I mean authority for it?

A— It is at the discretion of the Warden,

Q— If the Warden concludes he is not sick he is made to work?

A— Yes sir— Every often he will send him back & in a few minutes he will come back & report he is very sick, he is allowed to make as many reports as he wants to— The Warden never turns him back,

Q— And after he is returned to work & does not do it— he is whipped?

A— No sir, I never knew a man whipped for complaining— I never knew a man whipped on the farm in my life,

Q— Ever see a man punished at the kick yard?

A— Did not, It is against the rules to punish them when they are out on duty—?

Q Ever know of any body being punished on duty?

A— I have heard of one case I think— it—

is only here say - Dont give it in as evidence,

Q — Has he whipped against orders?

A — I suppose he has - in fact I am pretty certain he has by Capt John Wood - In fact I heard the Colonel reprimand him for it - in the office when he came in,

Q — Who told you it was against orders?

A — The prison rule - leads it - is against orders, we have them to read,

Q — The prison rules read it - do they?

A — Yes sir - unless a man is trying to escape or something some effort to go for a guard or something of that kind,

Q — Do the present rules read - they shall not be whipped at all?

A — No sir - They shall not be whipped while on duty — Outside the walls I think is the thing,

Q — You have heard of men saying they were sick — and you made work?

A — I never saw it?

Q — Never saw it?

A — No sir

Q — You say you can't tell from a colored man — whether he is sick or not?

A — No sir — it is any hard to tell,

Q — Did you ever hear of a colored man being sick

and compelled to work?

A— No Sir— It is so at Bastille— If a man gets very sick he turns a little crazy.

Q— You say this man you saw whipped— was one that escaped— What is his name?

A— His name is Grimm.

Q— Did you hear of how many he got?

A— I dunno Sir— I suppose according to the rules— he ought to have had a good many.

Q— How many days during the past summer was you kept issued to them?

A— It was only— after it was found out— It was not issued any more— It had been issued to any poor devil— One day a good many men were taken sick— after that it was changed— I think it was changed that day by the Warden himself— I think I heard the Warden himself it was Rose— & caused Dearborn among the men— It was caused by neglect of the Cooks was all— They didn't keep their yeast right.

Q— By the Warden you mean John Ward?— Did you ever know of any unhealthy meat generally given to the Convicts?

living

A— No Sir— I did not

Q— You sleep in the penitentiary?

A— Yes Sir I sleep there.

Q— Do you hear any time punishment going on?

A— No Sir I don't hear any more than hear of any punishment

punishment- going on,

Q— Have of any shipping— Ever hear of any going on with your own ears?

A— No Sir,

Q— And you know of none?

A— I know of none but what I have stated

Q— What is your general opinion of the management of the penetentiary?

A— My opinion is— the management of the penetentiary is light indeed— Too much leniency shown men according to the Rules, There is one things allowed directly contrary to the Rules of the penetentiary— They are allowed to converse with one another when at work when the Rules are pointedly against it,

Q— In what other way are the Rules violated?

A— None in particular— They are treated leniently— They are not worked hard— They are allowed more privileges than the present Rules allow in almost any shape you can mention— From the fact that they have so many of them time— that it is no use to keep any Tiger over them— because they have more than they need— There have been a hundred & fifty men laying up all the time & would have been foolishness to keep the men up— when they have so many idle

Q— What do the Rules say in regard to working men outside?

A— I dont remember Sir— There is no— provision in the Rules about that Sir—

The Rules for the penitentiary have for their business the duties of the officers & Guards — how they should treat the men when on duty — They dont specifyy inside — or outside

Q — Does it say how hard they shall be worked?

A — This State does not — Most all other States do — No Sir — it doesnt give any Specific time,

Q — Do you think they ought to be worked harder than they are?

A — Well if I was going to make them do a days work I should work them harder — You asked me about the treatment of the men, I was state just how they are treated, I am not stating whether they ought to be worked harder — It is not necessary — I am stating they do three quarters of a days work,

Q — You mean by three quarters of a days work — when they are in the field? You dont include the time coming & going from the field?

A — No Sir — We take that for field time, going & coming — That is the reason we dont task them any heavier,

Q — Ever hear the convicts complain of not having enough to eat?

A — No Sir I have heard them ask for more — & I have have them sick for more,

Q — Have heard them complain?

A — No Sir just ask for more — They have asked me for more,

Q — You must there in March I believe — was the weather than Cold?

A— Yes sir, Yes sir; the 9th of March it was pretty cool — not to say cold — It was cool.

Q— Did the Convicts that were there worked out all have Shoes & Stockings?

A— Yes sir — they all had Shoes — I couldn't say whether they all had Stockings — or not — Most of them had that I noticed — I couldn't say in regard to that. Those that I worked near pretty well shod — I can't say as to the balance — A man cannot see them all.

Q— Do you eat the food they have?

A— I eat the same food that they do — all the time.

Q— You know it — is the same food do you?

A— Yes sir — I know it is the same.

Q— Did you get some of that down head?

A— Yes I got some of that sir, That is one way we found it out — he complained of it first — The men commenced getting sick — & in a few the guards some of them got sick.

Q— How many days did you have that?

A— One day — It was on account of the Cooks neglecting their work & allowing it to get sour—

(The remainder of the testimony is given from the notes of Counsel)

I saw Smith at the kick you the day he died — I should have seen him if he had been beating — When I went away he was left with Foster — John Hood was riding a little Boy mare. I was the man: Mahon said, Drew a needle for I had taken my Squad to the water — had to go

through his corn. One of the men pulled off a few of corn; & he came along behind me & found it—and complained, didn't want the men to go through the field I was then in the woods—I told him I didn't know any corn was pulled, I told him if he objected I would take them around, I told him it was against orders to talk about matters before prisoners—to go talk to the warden—I did not draw the gun on him, I know of no trespass except that one of the trusties went over & pulled some ears out of his garden, I had him licked & ordered to the ranks—It was strictly against orders to commit any trespass, There was no apple or peach tree in the field—The road is on the left—The orchard on the right—Just opposite.

Testimony of Rev Mr Turner

Rev Mr Turner a witness summoned at the request of Mr A Sullivan—being duly sworn testified as follows.

I, I am acquainted with prisoners & am interested in prison reform, Am a stranger here—The discipline of the Arkansas penitentiary is inferior to that of other states—particularly in matter of communication; Men clean, clothing not quite as good as might have been, but perhaps good enough for prisoners,—I have been chaplain in the Iowa penitentiary, found here a lack of Bibles & Hymn Books, I saw a prisoner flogged—he seemed to have a fit—The Lessee was not present—They are allowed to speak to each other—which is not correct, Lash abolished in Iowa—abolished about eighteen months ago, Building here bad and Ventilation not good, Bed clothing not very clean, The object of prison is to reform; & the management of this penitentiary does not conduce to that end, In Iowa a man was appointed by the new Government there a parson—& he refused to go out, The buildings

house ought- to be enlarged- so as to have but one prisoner to each cell- instead of two, The discipline would be better- Working out is bad- it gives the Convicts a chance to escape, I know nothing I desire in this prison, I think that the penetentiary should be enlarged and I am inclined to think that more humane guards might be appointed, I thought that the Colored men who were around the men that had the fits; were not quite the men to attend to a sick man, They had tied him down- This I attributed to ignorance- The men were about— The Deputy Warden was present— I think he might have had a little more tenderness, The man was insane- beat his head against the floor- This they couldn't help.

- Examined by The Governor-

I do not know the name of the sick man- I learned it in Yard- that the prison might be larger ——

— Examined by Mr Rose-

- Cannot say that I saw any inhuman treatment- I am not sure how long the man was in the fit- I was there about ten minutes — I am Pastor of the Central Baptist- Church of this City- I think that there is a lack of money & that- may be the cause of all the trouble, I asked whether the man was sick or insane merely a spasm — I do not know how often he has had the fits, — I think that the prison is kept as clean as it can be- under surrounding circumstances- Men were clean on Sunday.

- Testimony of James Baldy-

James Baldy a witness summoned on the request of Mr C Sullivan- being duly sworn according to Law- testified as follows ——

I lie near the Louisiana line, I know how-
have seen him any day since the end of Lady-
fare as the penetentiary is pretty rough, God bless,
I was in as a Convict— Flour unsifted Bug
beds Have been out since August 2nd '64— Was in
Fort Smith Jail— We got better fare there— The corn
bread was made with cold water & thought, & the meal
was unsifted— I saw them sifting, but the sifter
was coarse— The Convicts did not have enough to
eat— I suppose as long as I was there— have fallen
off— thirty one pounds, I have not been sick except
that I had diarrhoea— I was not in Hospital except
some times for a day or two— Have been chained in longer
than two days— Prisoners had pants & shirts— no coats
or shoes— Now that it is getting cold— Some
of them have shoes & jackets— They tell me that they
have had no shoes since last spring— I
worked harder than I ever did in my life,
Worked on a farm before I went in, Went out at
four o clock & had from half an hour to one
hour at dinner— Came in at dark— I worked
on brick yard— digging out— Never saw any one
work as hard— Cells dirty & had lice & Chinces—
My Cell has never been swept out— Bed clothes never
cleaned— White washed once while I was there—
Dining room & dishes kept clean— Was never
in Hospital,— Was put in for assault with
intent to kill, I was whipped twice— & struck
once with a piece of timber, John Ward whipped
me with a strap from 16 to 18 inches long skin
peeled off— Hilliard struck me on the hip with
a board; made me pretty sore for a day or two,
Was whipped for talking in ranks— One
of the boys asked me how I felt, & I said
pretty well— I never knew what Hilliard struck
me for— He beat a negro five or ten minutes
with a board— & then struck me, I did not
lay up for the whippings— I was born in
Drew County

Examined by Mr O Sullivan—

—Worked—

barefooted, just got done. I cut them on rocks in working — My just sometimes block, I was made to work all the time — except when I was let off three times — All were barefooted except a few who had shoes from last winter — I only noticed one other man whose feet were cut, but they all complained of sore feet — Bread & meat were not plenty enough that produced diarrhea — Did not get enough to eat except when I would get a sick man's Rations, All complained every day about getting Mr Harrington called on all who were not well fed men to fall into ranks & let prisoners fall in — Hilliard said he had complained to Ward that the food was insufficient — After that it was increased only for a few days — All prisoners complained of being hungry — I have got meat several times which I first went there which was spoiled, I threw it away, & some other prisoners went to eat it, They said the soup was the liquor from the meat thickened with meal — It did not taste like any other soup — Coffee very weak — Cook said there was two quarts Coffee made a day for Guards, & them they boiled the grounds for the prisoners — It did not taste like Coffee — Would do very well when hot but not when it was cold, Sometimes I saw a few grounds — Sometimes not, I did not have clothes enough & that is what gave me the cold I have — During the last cold spell I saw men go out to work without shoes or coats — I got a coat last Friday a week ago, Monday it was given to another man going out to work — I was staying in the penitentiary, Could not carry bread & meat with us to work, Ward once made us throw away the bread & meat he saw carrying out to work, Had one double blanket in very cold weather — I wanted another — but was told I could not get it, Bed bugs annoyed me — Have saw lice on Convicts

Bed Clothes never mushed while I was there - went in on January 2nd 1875. I have a bad cold & sore throat — never had such a bad cold in my life — I lay it - to the fact - that I did not have clothes enough, a good many had colds, — When I applied to Hospital Steward he gave me no medicine for my cold — as a general thing when a man gets sick - he gets some attention, A great many are whipped when I first went there, They whipped some one almost every night — then they slacked up for awhile, — Here knew any one to lay up for a whipping,

Examined by Mr Rose — — —

— Went - Smith Jail one year ago - the 15th of this month, Am not in any business now, St - Charles, Have been good taken away several times did not have time to eat - at table before we left -, Had time to eat our dinners, Ten or fifteen minutes for breakfast -, Never was in any other Penetentiary as a Convict - or otherwise — Had no conversation with C Sullivan about my testimony — My Cold was not - so bad when I got - out - as it - is now - Never Complained to any body about food - was afraid to - Others who had done so - did they came near getting whipped for it - — Ward asked me once how I was getting along - I said pretty well - Considering every thing.

Examined by Mr C Sullivan

— You asked me how I had got along up there — I talked with you on Friday Morning — You said you wanted me to stay & go before Committee - You would pay my board and give rail Road ticket —

— The End —

— No 3 —

Report of the Board of Trustees of the Arkansas Institute for the Education of the Blind.

To His Excellency-
A H Garland-
Governor of Arkansas.

Dear Sir-

Though not required by law to make a report at this time, we feel that it is not only desirable, but absolutely necessary that the General Assembly should be made acquainted with — & provide for the wants of the institution under our care, — the following exhibit of receipts & expenditures: for the year ending Sept 30th 1875. Furnished by the Superintendent will show the financial condition of the institution, —

Receipts-

From the State balance
of old appropriation State Scrip — $ 12,000
Recognized in currency " " " $ 3,467-30
From State, from new appropriation
State Scrip 15-00, realized in currency- " 2,636,20

From Yell County on account of clothing
and travelling expenses of pupils, scrip $260-87
Realized in Currency " " " " $ 94,65-
From other sources- for clothing and
Travelling expenses " " " " 15-40
On account of Bead work sold " " " 14 20
" " old iron sold " " " 5-20

On account of paper bags sold -	$ 1.30	
" " embossed books sold -	7.00	
Total receipts in Treasury	" "	$6,341 25

Expenditures.

Balance due Superintendent - Oct 1st 1874 for money advanced	$	134 31
On account of subsistence	" "	3.769 29
" " Household Expenses		208 18
On account of rugs and labor	" "	575-35
On account of Laundry	" "	252 00
On account of repairs and Improvements	" "	93 09
On account of Garden & Grounds		21 10
On account of repair of vehicles - Blacksmithing & Stable Expenses	" "	189-10
On account of fuel	" "	318 00
On account of clothing & handling Expenses of pupils	" "	169-85
On account of postage & Stationary -		24 32
On account of workshop	" "	21 45
On account of Music		7 40
On account of Books & School apparatus	" " "	37-83
On account of Medicines		144 65
On account of Board of pupils - during vacation to be refunded by Green County		14 00
On account leading pupils to church		2 30
On account of two Cows	" "	52 00
On account of interest on borrowed money		54 74
Total Expenditures	" " "	6085-96
Balance in hand of Superintendent - Oct 1st 1875 -		255 29
There are unpaid Claims against the Institute amounting to	"	899 32

In addition to the foregoing the following amounts in State Scrip have been drawn from the Treasury

as Salaries by Officers —
and Teachers — viz —
From appropriations —
for deficit in Salaries " " 4.800 00
By appropriations for
Salaries of officers and
Teachers from July 1st 1875-
to December 31st 1876 " " 162 60
Thus remains undrawn
of the appropriation to
Current Expenses a balance
of $1.500 of the appropriation
to pay Salaries 5,857 40

In accordance with Sections 341 and 342 of Gantts Digest Vouchers for all expenditures — proven to by the Superintendent & approved by the board of Trustees — are filed in the Auditors office for the inspection of the Committee of Ways & Means, Though the laws enjoined to thus not payed till July, 1868 — Vouchers for every dollar expended — including discount on Scrip since December 1866 — Merchants of Little Rock & others who have furnished supplies for this Institution patiently waiting the settlement of their accounts, sometimes for many months in order to allow us to dispose of Scrip to the best advantage, But for the benevolent forbearance of these Gentlemen, often to their own great inconvenience. The Institution must have closed long ago,

In our last Report we estimated the Cost of supporting 140 pupils in the institute exclusive of Salaries of Officers & Teachers to be $800 per month $20 per month — or $240 a year per pupil — for Board, fuel, washing, Medicines, use of books — School apparatus, — Musical instruments & shop tools, We have seen no reason to change this estimate at least, No reason to make it smaller —

It is true that our actual expenses during the last twelve months - including the present debt, amount to only - $6985-28 - This for thirty nine pupils, The number in attendance is a fraction less than $200 per pupil - per Annum - but we have labored under great financial pressure - a pressure which has obliged us to reduce the number of pupils - to abridge the annual school session one fifth of its entire length - to discontinue the Honeys Shop - a very important department of the Institution - to postpone much needed repairs - such as overhauling a leaky roof - and draining & overflowed cellar - to permit the insurance on the buildings to run out, & to forego providing a supply of water & other appliances, for preventing or checking fire - Though warned by the burning of the California institution for the deaf-dumb & Blind, & the partial destruction of the New York City institution for the Blind during the past year, in addition to those cited in our last report as destroyed by fire,

The amount in the hands of the Superintendent, together with the undrawn balance of the appropriation will be no more than pay debts & carry us through the month of October - leaving fourteen months - up to the 31st of Dec 1876 - unprovided for, For the support of the institution during this period we ask an appropriation of $11-200 - If necessary we can show by official statistics - that the appropriation we ask - is less than the amount required to support similar institutions in other States, & notwithstanding that the instruction of the blind is universally allowed to be more expensive than that of any other class - owing to the great cost of Books & School apparatus adapted to the touch, & to the greater number of Teachers & attendants required, the sum we ask for all current expenses is less per pupil than is charged for board

alone - in many schools for the deficiency,

We would call your attention of your excellency, & through you that of the General Assembly to the inefficiency of the present law, in regard to clothing and paying travelling expenses of indigent pupils. See Sec - 354 - Gantt Digest - It is evidently the intention - that where the friends of pupils are unable to clothe them & pay their travelling expenses - their Counties should provide for them in those respects, but the law on the subject is so framed - that not a dollar has been collected under it, — those Counties disposed to provide for their indigent Blind send either the clothing or the means to purchase it - directly to the institution, - those Counties not disposed, pay not attention to the accounts sent them - & it is doubtful under the present law - whether they can be compelled to pay them, If it is the intention of the State to clothe, as well as educate the indigent Blind, the appropriation should be sufficiently increased - to meet this demand. If such is not the intention, an act should be passed, to compel the Counties to expend money - paid out for that purpose,

Report on the Lands Donated,

The Legislature of 1873 manifesting a lively interest - in the growth & prosperity of this Institute for the education of the Blind, to provide means for the extension of its departments of usefulness, passed an act - donating a tract - of land, lying just South of the Penitentiary, Comprising —— acres, instructing the Trustees - to cause the same to be surveyed & laid off into blocks, Lots, & Streets - The lines corresponding with the City of Little Rock, then to make public Sale of

of the Lots - & appropriate the proceeds, towards the erection of a main building: for the blind,

In compliance with said act, the Trustees made the survey, taking possession of every part of the land thus donated, & at great labor, skill, & judgement and expense, laid off into blocks, lots, and thereon a plat drawn in readiness for public sale, but delayed, awaiting a financial recovery.

While thus pending, the Lessee of the Penetentiary: standing on a Contract of his own seeking, entitled to no additional benefit from the state, urged by great pressure on the present Legislature - a bill - which passed the Senate & now pending in the House, to withdraw & take back the Lands, & thereby the benefit & interest to the Penetentiary for the use & advantage of the hopeless - really of doubtful Right & good policy - taking from this State institution the very foundation on which to erect the superstructure.

The Trustees have the honor to report further, & call the attention of Your Excellency to a supplemental report on this matter, made during the last days of the Legislature's late session, which was transmitted to the House - when said bill was pending - but was not called up - or acted upon.

The matter & things stated in that report are the same that we would now say & ask - that is may be taken & treated as part of the present report, there having been no change or steps taken in that public interest. However, the Trustees would say - that the landed interest could not be diverted as proposed by this bill, without a very great hindrance to the upbuilding & progress of this noble institution, and in corresponding benefit - accrue; to the State,

Respectfully Submitted -

Liberty Bartlett - R L Dodge, Andrew Hunter -

Little Rock, Ark Oct 18. 1875.

- Trustees

No 4-

Arkansas Industrial University
— Memorial. —
from
Washington County.

To The Honorable The Senate-
and House of Representatives of The State of Arkansas-
— in General Assembly convened-

Your Memorialists, The County Court, composed of the County Judge and the Justices of the Peace of Washington County respectfully represent that by an act of the general assembly, approved March 24" 1871. The various Counties of the State are authorized & encouraged; to Compete for the location of The Arkansas Industrial University: That in order to influence the location of said University in their vicinity, The County of Washington voted $100,000 in eight per cent- bonds- payable in thirty years- which was accepted by the board of Trustees, as the best bid offered; & the University was accordingly located at Fayetteville, & the bonds were duly & delivered & accepted by the board of Trustees of the University.

Your Memorialists further represent, that by the same Act of March 1871- It was made the duty of the board of Trustees of said University, to cause to be erected with all practicable speed, buildings for the use & occupation of the faculty, & students, of a value fully equal to all the bids and donations of Counties, Corporations & individuals: & that such Counties, Corporations & individuals, should not be required to pay

more than one years interest upon such obligations until such building should be erected & a School organized therein, and that if more than one years interest should be paid. The amount so over paid should be refunded by the State.

Your Memorialists further represent, that the building provided for in said act has not erected, & a School organized therein, until the month of Sept 1875; at which time, the County of Washington had paid interest on her said bonds in Currency to the amount of $16,000 — more than one years interest before the building provided for in said act was erected, & a School organized therein,

Your Memorialists here willing testimony that the University building is a noble & substantial structure, fully equal in value to all the bids, donations, and subscriptions of individuals Counties & Corporations, all of which will fully, & satisfactorily appear by the appended Certificate of the Secretary, of the board of Trustees of said University.

Wherefore Your Memorialists pray that your honorable body would be pleased to vote an appropriation expending to Washington County the sum of $16,000 the amount of interest paid on her said bonds for the years 1873 & 1874,

As in duty bound will ever pray etc

Hiram Davis, County Judge.
Elijah Davidson, J. P. Prairie township,
William H. Eidson J. P. Prairie township.
H.G. Hartley — J.P. Clear Creek
James P. Neal — J.P. Paint Creek township
L.B. Marrs — J.P. Marrs Hill township
A.C. Hack, J.P. Richland township
M.C. Braly J.P. Cane Hill township,
B.F. Williams Richland township
W.R. Scott J.P. Cove Creek township,
M.D. Lewis White River township.
A.G. Smith Clear Creek

G. C. Newman J. P. Prairie Township
H. H. Davis J. P. West Fork Township
Thomas M Knight J. P. West Fork Township
James Trotter Elm Spring Township.

I certify from the records - papers & other evidence in the office of the Secretary of the board of Trustees of the Arkansas Industrial University, that the building provided for by an Act of the General Assembly - approved March 24 - 1871 for the use of the faculty and Students of the said University, has been erected and a School organized therein for the first time in the Month of September 1875 - and that such building is fully equal in value to all the bids - Donations & Subscriptions of Counties - Corporations and Individuals, made to influence the location of said University;

I further certify that the County of Washington has regularly paid to the Authorities of the University the annually accruing interest upon her bonds for the years of 1872 - 1873, & 1874, Amounting in the aggregate to the sum of ($24,000) Twenty four Thousand Dollars in Currency -

Witness my hand - October 26 - 1875

James Mitchel -
- Secretary - Board - Arkansas Industrial University

No 5c

Letters from S. S. Hughes - Attorney General.

— As to —

Claim of The State -vs- Stoddard Brothers & Co-

Office Attorney Jeneral
Little Rock Arkansas
October 29" 1875-

To His Excellency-
- A H Garland - Govenor -
Little Rock Ark"

Dear Sir

In response to a resolution of the General assembly of the state- a copy of which I have the honor to submit- herewith, and in response also to a communication of Your Excellency of the 19" inst- asking for information in regard to the status of the case of the State of Ark" vs- Stoddard Bros. & Co- I have the honor to submit- herewith- a somewhat detailed statement of the condition of said case made at my request by Major George A- Gallagher Special attorney for the State, associated with me in the prosecution of the same,

Of ultimate success in said suit- I entertain no fears, & feel confident- that the interest of Stoddard Bros & Co- in all the assets of said firm in the hands of the Receiver in said cause pursuant to the order, authorizing him to take charge of the same- must ultimately be appropriated to the satisfaction of the demands of the State against said firm,

These assets in nominal & ostensible value- largely exceed the State's claim against said firm- but what may be ultimately realized from the same, - it- is impossible to state; yet- we have a sufficiency to satisfy

the States demands,

It is maintained by the Counsel for the State, that she has a prior right of payment over all other creditors of said firm, save the United States - & that there exists upon the part of the said firm - a trust in favor of the State - & it has been held by the Pulaski Chancery Court upon the argument of the demurrer to the States bill of Complaint - & the defendants motion to dissolve the injunction & recall the appointment of a Receiver, that the bill sufficiently charges a trust and that the State by virtue of her sovereignty is entitled to a prior right of payment - as claimed out of the assets of said firm,

We say the Pulaski Chancery Court is rightfully in possession of this Cause, and the assets of said firm, & that ultimately the proceeds of the same, must be appropriated to pay the State first, and that having first obtained Jurisdiction thereof, the Pulaski Chancery Court will retain the same, until all the questions connected with it, shall have been adjudicated & determined,

I have the honor to be -
Very respectfully Your obedient Servant
S. P. Hughes.
Attorney General for
The State of Arkansas.

Be it resolved by the -
Senate of Arkansas -
The House of Representatives concuring, That the Attorney General be & he is hereby requested to make a Judicial investigation of all matters pertaining to the depositing of certain funds belonging to the State, in the Bank of Stoddard Bro & Co, contrary to Law, the Cause & reasons for such unlawful deposits, & to take such steps as will save the State from loss, & bring any & all persons criminally liable, to Justice

a True Copy: Thos. H. Newton
- Secretary -

—No 6—

Letter from Gen. A. Gallagher—

—Special Attorney—

—as to—

Claim of the State—vs— Stoddard Brothers & Co

Little Rock Ark. Oct 28th 1875—

Simon P Hughes Esq—

Attorney General—State of Arkansas.

Dear Sir—

At your request, I make this report of the present condition of the suit of the State of Arkansas against the late banking firm of Stoddard Bros & Co

The case has never been brought to a final hearing but much time has been spent in the arguing of preliminary motions & motions to set aside the order of injunction & to recall the appointment of the Receiver which motions have been overruled by the Chancellor of the Pulaski Chancery Court

The only defendants that have as yet answered are John Stoddard, Mary Stoddard and Edward Parker as assignee in Bankruptcy of John Stoddard & Louisa Oliver, The answers of other defendants are to be filed in a short time & the case can then progress to trial, ——— In the mean time, Edward W. Parker, as such assignee, has brought suit against the Receiver in his personal capacity in the Circuit Court of the United States for the Eastern District of Arkansas for the assets of Stoddard Bros & Co in latter their value, & on Monday next the argument will be heard in the Circuit Court of the United States as to whether that Court, or the Pulaski Chancery Court has Jurisdiction over the persons of the contestants or the subject matter, I think that the question will be decided in favor of the Pulaski Chancery Court; — If we can maintain the position assumed by the State in this suit & held to be proper in law by the Chancellor the assets will prove more than sufficient to reimburse the amount due her,

John Stoddard - in his answer, tries to avoid his admission of indebtedness, that is the legal liability claimed by the state - on the ground; that is-is his own personal & private indebtedness. —
The Grand Jury of Pulaski County - found bills of indictment against Robert C Newton, as late Treasurer, for failure to make settlement with the State & failing to pay over to the State of Arkansas, the amount found due by him upon settlement, and an indictment against James C Martin - his deputy for receiving a bribe, & against John Stoddard for giving a bribe, Robert C - Newton demanded a trial upon the indictment preferred against him - & he was unconditionally exculpated by the Jury, who rendered a verdict of Not guilty - without leaving the box. — In this trial it was developed in evidence, that the bonds of the Industrial University, or the money to purchase the same, was placed in the hands of John Stoddard & deposited with him to make purchase of said bonds by resolutions of the board of Trustees of the University - & that the former Treasurer (Page) was due the State a balance of over ten thousand dollars, that he had received as such Treasurer, & had admitted the same to be found due on settlement, & had so stated such balance as due by him, & which he had failed to pay over to the State. — The indictments against Martin & Stoddard have not been as yet tried, but are fixed for trial at the present Term of that Court, & the evidence that will be adduced at those trials will fully explain the whole transaction. — I confidently believe that we will be enabled to obtain for the State the relief we pray - & recover for the moneys & scrip she has been so wrongfully deprived of - & that the course pursued in instituting said suit, has - & is greatly to the benefit of the State - & I earnestly recommend that the suit be unceasingly & untiringly maintained, until the favorable result I feel, will be effected; can be realized. —

— Respectfully Submitted —

Geo. C. Gallaghar.

— Special Attorney —

— for the State of Arkansas.

Wednesday

~~Thursday~~ Morning

November 17th 1875-

The House met pursuant to adjournment.

The Roll was called - and the following named members answered to their names.

Anderson (of Creighead)
Anderson (" Howard)
Avery
Baird
Burke
Barrett
Bone
Bostic
Boston
Brady
Bright
Brownley
Burns
Casey
Cochran.
Cheney.
Cleveland
Clinch
Cooper
Coleman
Collins
Copeland
Davis
Dodson (of Newton)
Dodson (" Randolph
Drake
Duncan
Dowd
Blippin
Foster
Frazier
Fuller
Fulton
Gordon
Gillis
Green
Gresson
Newman
Woodlee
Hill (of Calhoun)
Hill (" Jefferson
Moore
Memphry
Jones
Judkins
Kerr -
Little
Love
Martin
Mayrant
McClelland
McConnell.

McClure
Miller
Morgan
Moore (Crawford)
Moore (Union)
Moore (Woodruff.
Orr
Patton
Poe
Polk
Powell
Putnam
Rice
Robinson (Desha)
Ruddle
Rumph
Russell
Sandler
Shinn
Slaughter
Spangler
Taylor
Trimble
Unable
Vale
Ware
Weir
Wells (Dem)
Wildings
Williams
Witt
Wolf
Mr Speaker.

A quorum of the House present.

Prayer by the Chaplain.

The Journal of the preceding day was then read and approved.

On motion of Mr Poe — leave of absence was granted to Mr Bradford — until Saturday Nov 20th 1875.

On motion of Mr Moore of Union, Mr — Wells of Whiteside was granted leave of absence until Saturday next on account of sickness —

On motion of Mr Wolff, leave of absence was granted Mr McRhea — for ten days —

On motion of Mr Slaughter —

leave of absence was granted to Mr Robinson of Monroe; for eight days — on account of sickness in his family.

On motion of Mr. Durham — ordered that the Speaker — of the House, appoint a Committee of five, to act in conjunction with a like Committee on part of the Senate on H. R. 219." An act amendatory of existing laws Regulating the Sale of the Lands of the State" — Which was agreed to —

Message from the Senate — by Col — Thomas W Newton Secretary —

Senate Chamber
Nov 17th 1875

Mr Speaker —

I am instructed by the Senate to return to your honorable body H. Bill No 216. — entitled — "An Act in Relation to Swamp Lands" and to inform you that the action of the Senate on said Bill was to indefinitely postpone it.

Thomas W. Newton.
Secretary.

Senate Chamber
Nov 17th 1875

Mr Speaker

I am instructed by the Senate — to inform your Honorable Body of the passage by the Senate of House Bill No 238 — Entitled — "An Act to fix the time for the Convening of the General Assembly of this State" —

— With the following Amendments thereto — to wit —

In Section 1— insert after words "A.D. 1877." the words "at 12 O'Clock M"— Also after the word "day" insert the words "and hour"— and in Section 2 after the word "force" insert the words— "from and after" ——— And herewith respectfully return the same for your consideration.

Thos. H. Newton
Secretary.

Senate Chamber
November 17th 1875

Mr Speaker

I am instructed by the Senate to inform your honorable body of the passage by the Senate of H.R. Bill, No 246 entitled "An Act to fix the Salaries of the County & Probate Judges in the Counties therein named"— with the following Amendments thereto to Wit:

Strike out in Section 1 the following words "For the County of Hot Springs four hundred dollars per annum" ——— Also change after "County of Miller" the words "Six hundred" to "five hundred" and also add at the end of said Section the following ——— "For the County of Ashley five hundred dollars per annum"

For the County of Drew — five hundred dollars per annum.

"For the County of Crawford five hundred dollars per annum —

For the County of Sharp — five hundred dollars per annum —

For the County of Izell — Six hundred dollars per annum

For the County of Lincoln — Eight hundred dollars per annum —

And herewith respectfully Return the Same.

for your Consideration

Thomas M Newton.
Secretary.

Senate Chamber
November 17th 1875

Mr Speaker—

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Joint-Resolution No 42— "To Authorize the appointment of Commissioners to Report upon the feasability of introducing Sea & other fish into the Water Courses of Arkansas"

—Also Senate Bill 272 entitled "An Act to amend Section 2683 of Chapter 56 of Gantts Digest, and to Compromise Law upon the subject of exempted property to Article 9 of the Constitution of 1874 and for other purposes"

Also of passage by the Senate of Senate Bill No 282 entitled—

"An Act to be entitled an Act to regulate the Sale of Lands belonging to the State in certain Cases.

And herewith respectfully Submit the same for your Consideration

Thos M. Newton. Secretary.

On Motion of Mr Browning—the leave of absence heretofore granted Chief Clerk Building—was extended four days ——

On Motion of Mr Collins—

—Ordered

that H. B. 216 – "An Act in relation to Swamp Lands" recalled from the Senate – be referred to the Committee on Public Expenditures –

Mr Judkins asked leave to introduce a bill.

Which was agreed to –

The House then passed to the regular order of business, being the consideration of S. B. No 252 – An Act entitled – "An Act to authorize the Sale of Lands belonging to deceased persons."

S B – 252 –

– which has had the first time,

A Message from the Governor; by Col C. H. Brook private Secretary –

State of Arkansas.

– Adjutant-Generals Office –
Little Rock. Nov 16" 1875.

To the Hon Speaker of the House of – Representatives – and – the Members thereof –
– Gentlemen –

I have approved and signed – House Bill – No – 160 – An Act to re – district – the State for Congressional purposes. –

Also – House Bill No 210 – – An Act to repeal section 2783 – of Chapter 57 – of Gantts Digest – and – – herewith return the same.

Very respectfully
A. H. Garland.
Governor of Arkansas.

The Hour of 10.30 A.M. having arrived, the House took up the Special order of the day: being the Consideration of H.R. No 277- a Bill entitled "An Act to provide for the payment of certain obligations of the State of New Hampshire,"

The House resolved itself into the Committee of the Whole House for the Consideration of the bill—

After some time spent therein the Speaker resumed the Chair,

Mr Brown 18-

The Committee rose at 11.15 A.M. & check - and Mr Trimble Chairman made the following Report—

The Clerk read-

The House acting as a Committee of the Whole, have had under Consideration the Bill entitled "An Act to provide for the payment of certain obligations of the State of N. H. No 277— and have instructed me to report the Bill back to the House and recommend its passage:

All of which is respectfully submitted

C Trimble
Chairman.

The Report of the Committee—

was adopted—

On Motion of Mr McConnell the Bill was made the Special order of the day at 11. O'clock A.M. to morrow,

On Motion of Mr Durham — Ordered — That the Committee to whom the Brumpler claim was referred — of which Mr Russell is the Chairman — be instructed to investigate the charge — "That a portion of the arms charged for in his claim, had been returned to Brumpler" and report to this House; on the subject by 11. O'clock A.M. to morrow,

Which was agreed to —

Mr Pox — asked — and was granted leave of absence for four days on account of sickness,

The Speaker presented the following Communications — which were read —

(C. 2)

To the Honorable — The Speaker & the House of Representatives —

The St-Louis — Iron Mountain and Southern Railway Company — respectfully tenders to the General Assembly of the State of Arkansas; and its Officers, the free use of an especial train over its said to be run in connection with the excursion train of the Hot-Springs — Rail Road Company, leaving Little Rock at 9, 6 o'clock A.M. on next Saturday, the 20th instant —

Thos Allen — President —
St-Louis Iron Mountain & Southern Railway Company

To the Honorable — the Speaker of the House of Representatives &c —

— The Hot-Springs Rail Road Company having completed its road to a point within a few miles of Hot-Springs — & being desirous of Commemorating the event — respectfully invite the members of the General Assembly & its officers to participate in an excursion to that celebrated place on Saturday the 20th instant —

Joseph Reynolds — Pres.
— Hot-Springs Rail Road Company —

Mr. Browning introduced the following—

Resolved— That a vote of Thanks be tendered to Hon. Thomas Allen President— St-Louis— Iron Mountain and Southern Railway Company; and to Hon Joseph Reynolds— Pres— Hot-Springs; Rail Road Company— for their courteous invitation to the General Assembly & its officers, to participate in an excursion to Hot-Springs on the 20th Inst— & that they be informed that the same is accepted on part of the House,

The resolution was adopted— unanimously—

The Committee at 12— M— O'clock and Mr. Patten Chairman made the following— report—

To the Senate—

The House in Ctty as a Committee of the whole— have had under consideration the Bill— entitled— "An Act to provide for the Enrolment of Drum Persons in this State" being H R No 275 and have instructed me to report progress— having agreed to the following Amendments,— "Strike out, Fifteen the Blank— insert "twelve Thousand Dollars" ($12,000) and ask leave to sit again —

— all of which is respectfully Submitted—

— Patten Chairman

The report of the Committee was adopted—

The Speaker announced the following Committee— under the Resolution of Mr Durham, to raise a Joint— Committee, on H. R. No 219— "An Act— Amendatory of existing laws— regulating the Sale of Lands of the State"

— Committee—

Messrs — Durham
Saddler
Williams
Dodson of Randolph—
— Shanks —

H R 219—

Thurs at 12, 15 P. M.

On Motion

of Mr. Browning

the House adjourned

J. M. Gunnell Clerk

"

A. A. Pennington

Speaker House Rep.

Thursday Morning

November 18th 1875

The House met pursuant to adjournment.

The Roll was called & the following named members answered to their names.

Anderson	(of Caughead)	Collins
Anderson	" Howard	Copeland
Avera		Davis
Baird		Dodson (of Newton
Baker		Dodson (Randolph
Barrett		Drake
Boone		Durham
Borlick		Dowel
Boston		Klippin
Bragg		Foster
Bright		Frazier
Browning		Fuller
Burns		Fulton
Casey		Gardner
Cochran		Gillis
Chaney		Green
Cleveland		Grisom
Clinton		Hendlee
Coffee		Hill — of Cabarrus
Coleman		Hill " Jefferson

Mr Moore -
Mr Murphy
Mr Reed -
Mr Hawkins
Mr Kerr -
Mr Little
Mr Love
Mr Martin
Mr Mayfield
Mr McClelland
Mr McConnell
Mr McRae
Mr Miller
Mr Mounger
Mr Noble (of Crawford)
Mr Moore " Union
Mr Moore " Woodruff
Mr Patton
Mr Poe
Mr Polk
Mr Pond
Mr Putman
Mr Rice
Mr Robinson (of Desha)
Mr Ruddle
Mr Rumph
Mr Russell
Mr Saddler
Mr Shinn
Mr Straughan
Mr Spangler
Mr Taylor
Mr Tedford
Mr Tenable
Mr Ward
Mr Weir
Mr Wells (of Drew)
Mr Wildeburger
Mr Williams
Mr Witt
Mr Wolf
Mr Speaker -

A quorum of the House present.

Prayer by the Chaplain

The Journal of the preceding day was then read and approved.

On motion of Mr McRae - leave of absence for the day was granted Mr Hannah on account of sickness.

Under suspension of the rules for that purpose - Mr Baer - by consent - introduced a Bill entitled "An Act to attach a part of Lonoke to the County of Prairie - H.B. No 282 -

H. R. No 282—
which was read the first time

The Rules was then on motion suspended, the Bill read a second time & referred to the Committee on Co — & County lines, — with accompanying petitions

State of Arkansas—
County of Lonoke.

I. Henry Ingram; do Solemnly Swear that I have given notice of the Legislative petition, by posting five Notices up in five most public places in the territory effected by said petition for thirty days —

Henry Ingram—

Sworn to & subscribed before me this 5th day of November 1875—
C. B. Ray. J. P.

To the
Honorable Senate and House of Representatives of the
—State of Arkansas—

The undersigned petitioners — Citizens of the East half of Township three (3) North of Range seven (7) West in Lonoke County — Invite most respectfully represent & show to your Honorable Bodies — That in carving out the Territory to form Lonoke County by the Legislature of 187 . the Legislature took from Prairie County all the Territory West of the Center of Range 7 West from the South line of Prairie to the South line of T. 3. N. R 7 W: Thence East to the point — the Line of Lonoke

runs due East to the line of Range 6 East West — Thence due North to the South line of T. 4 N. R. 12 W. Taking the whole of Township three (3) North Range seven West, which leaves the West line of Prairie in quite an ill shape, & the Citizens of the East half of Township three North Range seven West in an immovable and an inconvenient position; — That that portion of Lonoke County naturally belongs to Prairie, and it is greatly to the interest of the Citizens thereof, that said Territory be reannexed to Prairie County, — That a large Majority if not the entire population of that portion of Lonoke County does trade at Des Arc the present County Seat of Prairie — The premises considered, — Your Petitioners pray that at the next meeting of Your Honorable Bodies — that you enact this your Petitioners prayer, & if found meritorious — that you by an appropriate Act of the Legislature, reannex to said Prairie County, said East half of Township three (3) North of Range seven (7) West; and as in duty bound will ever pray &c —

M L Arthur
Geo D Davis
Jno M Dayton
Wm Johnson
A S Hill
G W Hill
J L C Sayles.
M C Bayard
Dury Dodson
H Ingram
Sluss his X mark Bayard
L M his X mark Hunter
B B Ray
W C Ray
G W Rosson
Jno J Ray
Chas his X mark Alston
Wm — Mosley
Henry his X mark Bayard
M. O. Adams
Mc his X mark Whitehead
Lewis his X mark Blood
J "X" Welch
A Lyd his X mark Jackson
Dennis his X mark Jackson
R M his X mark Johnson
Charles X Johnson
Holloway "X" Reeves

Clarborne Columbi
William his + mark Pope
Thos his + mark Dew
L. H. Hackney
O. W. Hackney
A McLane
C. Hadin
C H Dixon
Josh Hardin
Steven his + mark Moseley
M H Richards
M. W. Davis
L E his + mark Davis
L H his + mark Nichols

J A Cunningham
L B Ingram
H. M. McHaffey
S. O. Instrument
J M Instrument
L M Ingram
H B Bulsely
C L Stagg
L H Neil
J H Johnson Jr. D.
John Dixon
John W. Grady

State of Arkansas }
County of Lonoke } I Henry Ingram do Solemnly Swear that the above named persons are Citizens of the Loyal Voters in the above discribed Territory and they Signed the above petitions or authorized their names to be Signed to it

Henry Ingram

Sworn to and Subscribed before me This 20th day of September 1875

C. B. Ray J.P.

State of Arkansas }
County of Lonoke } I William Goodrum Clerk of the Circuit Court and Ex officio Clerk of the County Court within and for the County of Lonoke, aforesaid - do hereby Certify that C. B. Ray, whose Signature appears to the annexed Jurat Certificate, is now, and was at the time he signed the Same, An Acting Justice of the Peace, Duly Elected, Commissioned, & Qualified, and that all his Acts as such

are entitled to full faith and credit.

In testimony

Whereof I herewith set my hand

and affix the seal of

Seal

My office this the 20th day Sept 1875

William Goodwin Clerk

Mr Briggs

by Consent introduced a Bill entitled

"An Act to abolish the office of County Superintendent of public Instruction"

H.R. No 283

Which was read the first time

The Rules were then

Susp. Motion, suspended, the Bill read a

second time, and refered to the Committee

on Education

Mr Cudlipp introduced the

following Resolution

Resolved That the Committee

on the Penitentiary be, & they are hereby empowered

to investigate the Charges of Cruelty to Convicts

by the Guard of the Penitentiary, & that they

be empowered to send for persons & papers, &

have leave to sit during the Session of the

House

Which was adopted

Mr Rinaldo by

Consent introduced a Bill entitled "An Act

to provide for the payment by the State in

Current funds, for transporting Convicts to

the State Penitentiary

H.R. No. 284.

Which was read the first time

The Rules were then on

Motion suspended The Bill read

a second time and refered to the

Committee on Judiciary

Mr Baird by Consent introduced a

Bill entitled "An Act

"An Act- to punish Administrators,- Executors, Guardians- or Trustees for improper use of funds"

H. R- 285

Which was read the first- time

Mr Jackson moved that- the Regular order of business be suspended for twenty- five minutes for the purpose of the introduction of bills and Resolutions of reports of Committees-

Which was not- agreed to-

Mr Kerr moved that the Regular order of business be postponed, for the purpose of reading Senate bills and Senate Amendments to House Bills, until the hour for the Special order of the day. 11. A. M-

Which was agreed to-

A Message from the Senate by- Chas M. Newton- Secretary-

Senate Chamber

November 18" 1875-

Mr Speaker-

I am instructed by the Senate- to inform your Honorable- Body of the passage by the Senate of- House Bill No 249- Entitled "An Act- to Amend Sec- 4483- Gantt Digest- and-

- Herewith, respectfully returns the same

Chas M Newton

- Secretary

Senate Chamber.

November 18th 1875—

Mr. Speaker—

I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. J. Resolution, No 39—"Memorializing Congress for the donation of the remaining public domain to the State of Arkansas for Educational purposes" with the following amendment thereto.— Insert after the word "Educational" the words "and internal improvements"

And herewith respectfully return the same.

Chas. W. Newton Secretary—

Senate Chamber—

November 18th 1875—

Mr. Speaker—

I am instructed by the Senate to inform your honorable body of the passage by the Senate of Senate Bill No. 278— entitled "An Act to amend Sections 601 and 602— of Gantt's Digest & to limit the power of County Courts & Agents to make Contracts & to regulate appropriations"

And herewith respectfully submit the same for your consideration

Chas. W. Newton.
Secretary.

Senate Chamber

November 18th 1875—

Mr. Speaker—

I am instructed by the Senate to inform your honorable body of the passage by the Senate, of Senate Bill No 243— entitled "An Act amendatory of existing laws in regard to the publication of Legal Notices"—

And herewith respectfully submit the same, for your consideration.

Chas. W. Newton—Secretary

-Journ 13-

Under a Suspension of the Rules for that purpose - The House then proceed to the Consideration of Senate Amendments to H.R. No 246 - "An Act entitled - "An Act to fix the Salary of the County & Probate Judge - for the Counties therein named"

___ Senate Amendments - Strike out in Section 1 the following words "For the County of Hot Springs - "four hundred dollars per Annum" ___ Also change after "County of Miller" the words - "Six hundred" to "Five hundred" and also add at the end of said section the following _____ "For the County of Ashley "Five hundred dollar per annum" "For the County of Drew. - "Five hundred dollars per Annum." "For the County of Crawford "Five hundred dollars per Annum" "For the County of Sharp "Five hundred dollars per Annum" "For the County of Yell - "Six hundred dollars per Annum" - For the County of Lincoln "Eight - hundred dollars - per Annum"

Which was read the first time, the Rules were then suspended, and the Amendments were -

Then read a second time - and on Motion of Mr Gillis - made the Special order of the day for 10 - A.M. To Morrow -

The House then passed to the Consideration of Senate Amendments of H.R. No 23 - "A Memorial to the Congress of the United States for the Passage of an Act to refund the Cotton Tax" ___ Amendments - "Strike out in the first Resolution the words - "To the people of the Cotton growing States" and amend said Resolution by making it read -

"An Senatus & Representatives"

— which was read the first time

— — The Rules were then suspended and the amendments were then read a second time — and on motion of — Mr Kerr — made the special order of the day on Saturday next at 10 O. Clock A.M.

The House then passed to the Consideration of Senate Amendment to H.R. No 238. An Act entitled. "An Act fixing the time of Convening the General Assembly of this State" —

— Amendment — In Section 1 — insert after words "A.D. 1877" the words — "at 12 O'clock M" — Also after this word "day" insert the words "and hour" and in Section 2 — after the word "force" insert the words — "from & after"

— Which was read the first time —

The Rules were then suspended — the Amendments were then read a second time, and the bill & Amendments were made the Special order of the day for 9.30 A.M. To-Morrow.

The House then passed to the Consideration of Senate Amendment to H.R. No 222 — An Act — entitled "An Act authorizing County Probate Judges — to draw their Salaries — and for other purposes" amend; by inserting "generally" in 4" line Section 1. after word "issue"

— Which was read the first time —

The Rules were then suspended and the Amendments were then — read a second time — and on Motion of Mr. Mc Connell — made the Special order of the day on Monday November 22nd 1875 at 9.30. A.M.

The House then pursue to the Consideration of S.B. 281 — an act entitled "An Act to repeal the 3rd Clause of this Section" —

Which was read the first time —

Mr Clipper — moves the indefinite postponement of the bill —

Mr Collins calls for the ayes and noes.

The call was sustained — The question being put — Shall the bill be rejected? — It was decided in the negative,

The Roll was called — & the following named members voted in the affirmative —

Ayes

Akers
Baird
Baker
Boston
Casey
Cochran
Chaney
Copeland
Dodson
Dowell
Clipper
Grissom
Handley
Hill (Calhoun)
Hill (Jefferson)
Judkins
Mann
Martin
Maxwell
Miller
Patton
Polk
Robinson (Dekalb)
Rumph
Saddler
Wolf

Those voting in the Negative —

Anderson (Craighead)
Anderson (Howard)
Barrett
Bone
Bostic
Bragg
Browning
Burns
Cleveland
Cluck
Collins
Davis
Dodson (Randolph)
Drake
Durham
Foster
Frazier
Fuller
Fulton
Gardner
Gillis
Green
Humphrey
Jones

Little
Love
McConnell
McRae
Morgan
Moore (Crawford)
Moore (Union)
Moore (Woodruff)
Pond
Putman
Rice
Ruddle
Russell
Shinn
Slaughter
Taylor
Trimble
Yancey
Wells (of Drew)
Hildebrand
Williamson
Smith —
The Speaker —

In the Affirmative 47
In the Negative 26
Not-Voting 20
93

So the indefinite postponement of the bill was not agreed to. —

On motion of Mr. Collins the bill was read the second time and referred to the Committee on Judiciary —

The House then proceeded to the consideration of Senate Bill 258 an act entitled "An act requiring all State & County Officers to provide their Commissions & other purposes." — which was read the first time —

The rules were then suspended —

The Bill was then read a second time and made the Special order of the day for 11-45 A M. Monday November 22nd 1875.

The House then proceeded to the consideration of Senate Bill No 257 — an act entitled "An act to make appropriations to pay salaries of Assessors" for the year 1875 — which was read the first time —

The rules were then suspended —

The Bill was then read a second time and referred to the Committee on "Ways and Means"

The House then passed to the consideration of S.R. No 7. A Memorial to the Congress of the United States to inaugurate a National System of Levees".

Which was read the first time.

The rules were then suspended. The Memorial was then read a second time and.

On motion of Mr. Collins, made the Special order of the day for 10.15 A.M. Monday. November 22nd 1875.

The House. passed to the consideration of S.B. 269. A Bill entitled "An Act to make an appropriation to pay Evidence of debt from the State, for the purchase of Common, belonging to the State"

Mr. Rice moved that the bill be indefinitely postponed,

Upon which motion Mr Little called for the ayes & noes.

The Call was sustained.

The question being put — Shall the bill be indefinitely postponed?

It was decided in the Negative —

Those members who voted in the Affirmative were —

Anderson (of Caughead)	Boston
Baird	Cochran
Baker	Dodson (of Lowndes)
Barrett	Dowd
Booe	Flippin
Bostick	Foster

Fuller
Grigsby
Headley
Hill (Calhoun)
Humphrey
Lee
Martin
Maxwell
McClelland

Those voting in the negative are—

Anderson (Howard)
Avery
Bragg
Bright
Burns
Causey
Chaney
Cleveland
Cluck
Coleman
Collins
Copeland
Davis
Dodson (Randolph)

Fincannon
McRae
Miller
Morgan
Polk
Powell
Putman
Rice
Wolfe

Duncan
Fenton
Gardner
Gillis
Jones
Judkins
Kerr
Little
Moore (Crawford)
Moore (Woodruff)
Patton
Ruddle
Runnels
Saddler

Shinn
Slaughter
Smyth
Strickle
Truesdale
Veach
Mann
Mills
Mills (of Dent)
Williams
Wolff
Mr Speaker.

In the Affirmative	30
" " Negative	38
Absent or not Voting	25
	93

So the motion to indefinitely postpone the bill was not agreed to—

Under a suspension of the rules for that purpose on motion of Mr Collins — the Bill was read a second time & referred to the Committee on Claims—

The House—

then proceed to the consideration of S. M. No 11. a Memorial to Congress to make a survey of the Upper Arkansas River"—

The Memorial was read the first time—

On motion of Mr Clayton under a suspension of the rules for that purpose

The Memorial was read a second time—

and made the special order of the day—

Tuesday November the 23rd 1875 at 11 o'Clock A M—

The House then proceed to the consideration of S. B. No 243. an act entitled "An act amendatory of existing laws in regard to the publication of Legal Notices"

Which was read the first time,

The Rules were then suspended—

The Bill

was then read a second time & agreed to the Committee on Public Printing

The House then proceed to the consideration of S. J. R. No 42. A Resolution to authorize the appointment of Commissioners to report upon the feasibility of introducing Sea & other fish into the Inland Waters of Arkansas"

Which was read the first time

The Rules were then suspended—

The bill was then read a second time & referred to a special Committee of three — of which, Mr Collins shall be Chairman, —

The House then proceed to the consideration of S.B. No 244 an Act entitled "An act to protect the children of this Commonwealth in their rights to acquire useful trades"

Which was read the first time,

The rules were then suspended —

The bill was then read a second time & referred to the Committee on the Judiciary,

Mr Russell Chairman of the Committee on the Pennsylvania Claim — made the following Report —

Mr Speaker

Your Committee to whom was referred the Claim of [illegible] Saunders and instructed to enquire particularly as to whether portions of the Arms charged for in his Claim — have been returned to said Pennsylvania — by leave to report, that they have performed that duty and after a close, & thorough, examination as to said charge, finding the Arms in the many of various parties — which is hereto submitted — the Committee is unanimous in their Opinion — that neither said Arms — or any portion of them — whatsoever have been returned to said Pennsylvania, We very respectfully submit — said Arms — to any — disposition of the Legislature,

Russell — Chairman

The Committee submitted

the following testimony in the case taken by the Committee —

Testimony

Taken before the Select Committee of the House of Representatives upon the Claim

of Ord. Stores Taken for the use of the State.

Upon the question of the adopted Return, to J. H. Trumpler of a portion of the ordinance-Stores charged for.

[Stenographic Report]

Wednesday-November 15th 1875-

The Committee met at 2-30 o'clock P.M. at Room No 32- Duncklu Block, Little Rock,

The order of the House directing the investigation, was read as follows:

Ordered; That the Committee to whom the Trumpler Claim was referred; of which Mr Russell is the Chairman, be instructed to investigate the charge—That a portion of the Ammunition charged for in his claim had been returned to said Trumpler; and report to this House, on the subject, by 11. O. clock A.M. to-morrow; with power to send for persons and papers."

[Dated Nov 17th 1875-]

Mr Drake

William Drake called

Mr Drake- This was a private conversation that I had no idea or intention should ever be brought up, in the House or elsewhere, & occured at the Table where I board- If you wish, I will give you the name of the Gentleman who made the statement- accidentally; & in Conversation,—& stated this fact to Mr Moore but told him not to say it- in any event, but since it has come in the shape it is now, I am at liberty to tell you,—— This Gentleman Duke he took

a certain number of Arms — and did return them.

The Chairman — She would like to have the Name, Answer — I don't know whether I can give the Initials — It is Colonel Johnson —

Mr Cleveland — Col Ben Johnson?

A — I can't give you his first name — that is all I know about it —

Q — Did he tell you he returned those arms himself?

A — He did — he said he had returned them — or had them returned, which expression he used I cannot be certain about; but he said he had returned them — or had them returned.

Q — What position did he hold?

A — I think he was a Captain &c; in the Baxter forces — and I think he was hurt — or wounded; in something in the affray, or something, & turned over the Command to some other Captain: but the guns were returned, as to the question whether he was ready to give you & make this statement — he said he was perfectly willing to do so.

Mr Graham — What kind of a man is he?

A — I can't describe him — I can give the Man for you — He made the same statements — to Mr Gaylor, & I think, to this gentleman — (Pointing to Mr Baird) — [Mr Baird acquiesced — in the Witness statement —] I rather doubt whether you will be able to get him to day — I think he has gone hunting,

J. P. Eagle, called, and sworn by the Chairman

Mr Graham — Mr Eagle — do you know that any arms taken by the forces of the State, during the Winter

of April & May — By the Baptist Princes — I should from one J. H. Grumpler, were you returned to him?

Answer — If there was sums returned to Jno Grumpler, I never knew anything of it.

(Questions have propounded the witness on behalf of the Oldsmen-Grumpler, on matters not connected with the immediate subject of the investigation with which the Committee was charged; such — Inquiries with the answers thereto, stricken out as irrelevant.)

Mr Reed — Do you know whether Jno Crumpler made any charge for any arms, or did any such Come before the Commission of which you were a member — showing that he had made charges for any arms which had been returned to him?

A — As before stated nothing was ever brought before the Board — that — revealed the fact that he had ever received back any Arms. If any arms were returned to him, I never heard of it — I suppose the Ordinance officers ought to know that; however,

(Mr Cleveland asked the witness an explanation of certain statements made in the course of the previous (omitted) testimony, upon subjects other than those in the investigation; after which the witness was dismissed.)

G. I. Churchill — Called —

J. J. Churchill. and Sworn

Mr Dunham — Gen Churchill — Will you please state whether or not you know of the return of any arms —

to J K Dunnyplen, which had been taken from him by the Baptist forces during the Brooks and Baxter war?

A— I do not.—

Mr Cleveland— General— I wish you to state something about the Common— powder— you used during that trouble — Where you obtained it— & from whom?

A— I bought some powder from Mr Dunnyplen— some —

Q— Did not Mr Dunnyplen furnish powder during that trouble, that he has never paid for?

A— I don't know— I couldn't say.

Q— How much powder did he furnish you?

A— I don't recollect; I got but very limited quantities from him— & never paid him for it; I think I received a little fund of greenback money and I think he paid it; Cash, at least he managed to get the powder elsewhere— & paid it— Cash— him money— and he paid him many for it— & has in his Encaus quantities— however, a Can— or a keg— or Something.

Q— He bought it— Which you Could get— buy it?

A— Yes Sir—

Q— You don't know whether he has ever paid him for it or not? [illegible]

A— No Sir; I don't know whether I ever paid him in full for it or not— but I know— Mr Dunnyplen— On one occasion that we two kegs; that they should have paid me thirteen dollars for.

A— I don't know exactly the amount— Mr Dunnyplen— two kegs the next day & five or six afterwards— for which I have never made any Charge to you— or the State,

A— I dont know about that, I paid all the money I could collect and raise,

Mr Cleveland— You dont know whether you paid him all or not?

A— No sir; I must be positive— It may be that I didn't pay him you all of it, But we needed the pumps and Cordage yet it, I dont know where he got it; but he told me if I would furnish the Cash for it— which it required the Iron he would get it, and I did pay him some Cash, It is highly probable there may have been some balance— I know I paid him some— all the money I could raise my self—

I B Moore— Called and Sworn—

Mr Moore, (At the close of this witness testimony he stated— that he was not aware that the testimony and accompanying remarks were being reported verbatim, and requested that the Reporter might be omitted, & that the questions asked might be expunged— and he allowed to answer them anew— which was granted— & the questions were asked and answered as follows——)

By Mr Durham— Mr Moore will you please state to the Committee who was the parties that superintended you in repairing those pumps?

Ans— Mr Drake— I think that is his name, — Mr Taylor of St Francis— and Dr Baird— — Do you know whether any Arms were ever returned to Mr Snyder that were taken from him during the Brooks and Baxter war?

Y — A— I do not——

By— Mr Buck— Have you heard any person say— that they knew Snyder had——

had charged the State for arms that had been returned to him?

—A. I was heard it.

Q— What did you hear— Mr Drake say?

A— I heard Mr Drake say— that he heard another party say, that he had returned to Mr Trumpler all the arms he received from him— during the Brooks & Baxter war, after the same was terminated

Q— Did you not state on the floor this morning that you heard a General say— who was in the Brooks & Baxter war— that Trumpler had charged for arms— that he had returned to Mr Trumpler—

A— I don't remember making any such statement, if so, it was a mistake on my part,

Q— Did you not state on the floor of the House this morning that Trumpler had received such arms from the State?

A— If I stated it— I state it on the authority of the three parties enumerated above,—

Q— Did you hear any one else beside those you have mentioned?

A— I did not, that I recollect of,...

H.H. Rottaken

H. H. Rottaken— Called and sworn.

The Chairman— Were you Chief of Ordnance Mr Rottaken during Baxter & Brooks war?

Answer— I was.

Q— Do you know any thing touching the matter of the return of any arms to Mr Trumpler Sir?

A— I do not. Sir— I am simply informing the Committee— that no one had any right— to return any arms to Mr Trumpler— If any such returns, they should have been returned to the Officers responsible for them— I gave Receipts— for all arms turned over to me— and for Receipts given last Novr to whoever I turned over any thing in the Ordnance Department, which I received my Officer— If any Officer received any arms from Mr Trumpler, or any one else— that Officer is then responsible for them— until the arms are turned over to the proper Officers. During my term of Service— Mr Trumpler, or any body else, does not relieve Others responsibility— Every Officer knows that, or should know it— at least, Mr Trumpler— did— even here from any body; he got no of parties— that any drink or goods of any kind were returned to me during that time— or after that time?

A— No Sir—

Q— You would be likely to know would you not Mr Rothacker if such had been the case?

A— Yes Sir,

Mr Chairman have expected Similar questions— could be asked upon other points— Such Those irrevelancy. The direct— investigation of the Senator— of alleged return of Arms to Mr Trumpler

The Chairman intimated an opinion contrary & again read the order of the House under which the Committee

has a thing in the present inquiry.

After discussion the examination proceeded,

Mr Martin — You are acquainted with Mr Joseph Trumpler are you not Mr Rottaken?

A — Yes Sir —

Q — You have known him for sometime — have you?

A — Yes Sir — for eight years —

Q Has he been residing for that length of time in this State?

A — Yes: Sir,

Q Been a dealer here in guns?

A — Yes Sir — he has —

Q — Has he always sustained the reputation of an honest dealer Sir?

A — He has Sir —

Mr Moore — Did you ever see these guns Mr Rottaken — that he has turned over to the Soldiers — during the Brooks and Baxter war —? Did you see any of those guns?

— Overruled as irrevelant to the inquiry before the Committee — on the ground that the original order of the House, instructing the Committee to investigate the justice of the claim of — Mr Trumpler — had been adopted, the report of the Committee made & presented to the House, & that in the present investigation the sole question to be considered under the order of the House was the charge that Mr Trumpler had —

charged for Goods which had been returned to him,

—The Witness— With your permission, Gentlemen— I can probably help you out— to some extent— There seems to be considerable misunderstanding in regard to the subject—

The Chairman— I don't think there is any at all—

The Witness— I know the whole condition of this matter, from the beginning to the end, Requisitions were made by Mr Crumpler for Arms— & he had not— furnished them voluntarily, They wanted him to— taken by force— He wanted his claim here— By certain Officers who drew the Arms & distributed them to their men— failed to return them to the proper Officer, They are responsible still— Mr Crumpler is not— responsible— but if the Officer who received them and turned them over & got their receipt from the Ordnance Officer, who is the proper & responsible Officer— Their responsibilities— have not ceased, The State is still responsible to— Mr— Crumpler— or any other man who furnished Ordnance, or Ordnance Stores, during the Broke & Baffle Inn,

—In each Department— there is but one man responsible— In the Ordnance Department— it is the Chief of Ordnance— In the Quarter Masters Department— it is the Chief Quartermaster— In the Commissary Department— the Chief Commissary— All things come to the Head— through lower Officers, & all Officers who receipt— for Arms— are responsible to one Officer— he alone is responsible to the State— If a

cannot show a clear Record of all the arms received, I am responsible — I can do it — but I know other Officers are not clear — & they are responsible to the State to day — for them, But that Account affects Mr Crumpler's case — at all, — I have receipts from Officers to day — who have not rendered their Ordinance returns — who have failed to turn their Arms over & have the receipts from me filed,

C.H. Wood. C. H. Wood called and sworn:

The Chairman — Do you know any thing in regard to certain Arms taken from Mr Crumpler? — whether or not any of those Arms have been returned back to Mr Crumpler?

Answer — I know nothing about it Sir —

Mr Browning — Have you ever heard any person say — they have a knowledge of such a thing Mr. Wood?

A — No Sir,

G.W. St Clair G. W. St Clair — (called and sworn —

The Chairman — Mr St Clair. Do you know any thing about certain Arms that were taken from Mr Crumpler during the Brooks and Baxter war — being after that been returned to Mr Crumpler?

Answer — I do not — No Sir — I don't know of my own knowledge that any arms were taken — or that any were returned,

Mr Browning — Have you heard any person say they had such knowledge of any arms being returned to Mr Crumpler?

A — I have have,

— Patrick J. Gallagher — Called & Sworn.

The Chairman — Mr Gallagher you were here during the Brooks & Baxter war, were you not?

Answer — Yes Sir — I was in it from the first day to the winding up.

Q — I wish you to state to the Committee whether you know of any portion of the Arms & that were taken from the Pamphlet were being returned to Mr Pamphlet?

A — No Sir — Were were never any arms, of any kind — Rifles Shot guns, Rifles, Pistols, Nor even so a box of Caps to my knowledge, that ever was returned to the Pamphlet,

The Chairman — Have you ever heard it intimated, Captain Gallagher, by any one that they knew — or thought such a thing occured?

A — No Sir — The only Arms I ever knew were returned there — were some guns that were returned but not to the Pamphlet, — I was a member of Captain Johnson's Company when it was first organized, I was a member of that Company — Capt Johnson did not stay with the Company but a few days — Mr Head Quarters — at this time were in the Odd Fellows — building — & he went home one night — & left me in charge of the Company — as Sergeant, and the next day, I heard he jumped through a window — Shell, during the few days he was there, some of the boys found some guns — two — or three shot guns and a rifle, they were procured at Lincolns Drug Store — for keeping — They were used for a few days in our company — and after Capt Johnson

hurt- himself by jumping through the window, have returned to Lincolns Drug Store- but- afterwards- Mr Crumpler had issued them a Rewards vouchers,

Mr Durham — From whom?

A — From the officers— He would issue to no person unless it- was officers- with authority.— Baptists Head Quarters was at- the Anthony House— He was there there most- all the time- & guarding him most- all the time— and he- gave orders not to issue any thing without- Vouchers— That- is all I know- about- these questions,— I think there were eleven guns & a rifle,

Mr Crumpler— Mr Gallagher what- was the cause of his putting those guns in Mr Lincolns Store?

A— Well— I was there at- the time the guns— were put- in there,— Many White had a whole lot- of niggers there,— & they used to run back in the shop— They were running bullets in Mr Saunders' forge— & they were taking things there— without- any authority— and Mr Saunders told me he was going to put- those guns away for safe keeping— until he could get- Vouchers for them,

Q— During that time those men were running in the book shop— was my shop- broken into- or not?

A— Yes Sir—

Q— Was it- robbed of any thing?

A— Yes Sir, and the niggers took anything that- was in there— Captain Green— who is now- dead— was Captain of Ordnance at the time— I used to get Ammunition from- Rice also— I used to purchase

the buck & ball Cartridges.—

Q— Please State why I told you I purchased guns in Dr Lincolns Drug Store!

A— On dupe keeping— until a proper Officer would Come & get them— since you would get Murderers!

Q— Did I tell you that I have the key— or that the Ordinance Officer had it?

A— That the Officer of Ordinance had the key.

Q— Did I get those guns back within a few days after I had got the key back?

A— I know that it was not long— It was but a short time afterward— that you got the guns back— After you got the key, I could say exactly State the time— but it was but a short time—

Q— Do you know whether I have ever received any Orders for those guns before I returned any of duplicate keys?

A— No Sir—

Mr Durham— They have afterwards received by those Officers— Orders given to Mr Dunnaples?

A— Yes sir, The Town has up to the last— Marching Arms,— of "Mr Dunnaples."

Q— Had those guns been Mr Dunnaples in the first place?

A— Yes Sir—

Geo Trumpler. George Trumpler — Called and Sworn —

The Chairman — Mr Trumpler I wish you to state to this Committee whether or not you know that any portion of the arms Taken from Mr Trumpler during the Burke & Baxter Insurance ever been returned to Mr Trumpler,

A — Nothing whatever that I know of — and I was there, all the time, nearly — only when I was at my meals — at the Store

Mr Durham — Can would have been likely to have known the arms if they had been returned?

A — Well Sir there was nothing returned at all,

Q — Part of those had been, you would have known them — would you not?

A — I don't know that I would because there is more than one gun alike — I could know the quality of the goods, — but those had not been any thing whatever returned,

Mr Boston — Have you ever heard Mr Trumpler — or any body else ever intimate that any of the Arms had been returned back to him?

A — No Sir —

The Chairman — Mr is your Partner?

A — Yes Sir —

Mr Blanchard — You remain here all the time during the trouble there?

A — All but one or two days — Monday of the fight on Market Street — I was not there,

Q— Now since the last property returned you would have had likely to have known it— would you not?

A— Yes sir, I should have known it;

Mr Browning Pistols during the war, nor afterwards?

Mr Martin— Mr Chairman for more fully— Gathers Booth Keyser— have you sir?

A— Yes sir—

Q— Did you make out the account against the State— for those arms that were drawn?

A— Most of it— I did sir,

Q— Well sir— from your knowledge of the Arms that were drawn— Do you believe that any portion of them are returned— from your knowledge of the stock that has been in the store since that time?— Has any portion of those been returned, or been in the store— since they were taken?

A— Yes sir— Entirely.

J. F. Trumpler— Called and Sworn;

J. F. Trumpler—

Mr Chairman— Mr Trumpler— you can state to the Committee whether any portion of those arms & stores— taken from you have been returned,

Answer— Well sir— To my certain knowledge there never has been on guns— Rifles, Pistols, Caps— Lead— or any thing else returned— I think that the misunderstanding that— this gentleman [indicating Mr Moore]— Came to— recalled from— the Morning—

of these arms, At the time my store was bro-
-ken into, It was done by a lot of men — as
you will guess bad men — always in large bodies.
After Genl King White had turned a portion
of his men in my work shop — to clean their
guns & own bullets, My key was in the hands
of Captain Green who is now dead — It was
first — in the hands of Maj. Parks — who
was the first Chief of Ordnance — Dur-
-ing this time — Some of King Whites men
broke into my shop — I suppose they
broke in — I found them in there — All
of my Cutlary was gone, there was not a knife
left — I had a large stock of them —
And most of my fishing Tackle was
gone — perhaps one third was still left — I
don't know what became of the balance,
— They carried it off I suppose —
These guns now left — The Ordnance Of-
-fice would only draw or take out as
many as he would need for his men,
He — having the Key — My establishment
was considered as belonging to the State
Government — I willingly gave up my
Key — Seeing these guns — and the robbery
going on — the door still locked — I went
on & told Dr Lincoln next door to
me — What — my shop was being robbed,
Shut — I had no showing for what
was left — of my goods — & asked per-
-mission to store some of them away
in his store — for safe keeping — until
the return of the Key — or until proper
authority should warrant them, He con-
-sented but told me not to say any
thing about them, He directed me
to put them — up — & put them under the
steps in his store — & not to speak
of it — for fear his store would be bro-
-ken into for these arms, — Col Johnson
organized a Company — & these guns —

here put in the hands of some of his Company without my consent and without voucher to me — They were finally returned to Dr Lincolns Drug Store by that time the key had been returned to me — There was nothing more kept in the Store, I then got the arms, In doing so I gave an receipt for the arms that I had received them — for Dr. Lincolin in Dr Welch — One of the firm or any sale of "Lincolin & Co" and took the arms back in the Store, — In the mean time I had written to Shoulding & Daly — of New York — to send me a certain lot of goods by express — I received them, — before I received his goods — however, I had issued three guns, Three more ten or eleven Shot guns — and one Ballard Rifle — Sir, among that lot, The Rifle I issued to Col C C Reed, for one of his men — He made out the Requisition — He was acting as Agent of men for Special Duty — so he stated to me at the time, — That is one of the guns that was put away [witness refered to the Invoices for this piece] — These bills show where the guns went,

Mr Cleveland — You issued them all out?

A — Yes Sir — and there were no more as a cap kept —

Mr Moore — Mr Dunnyfin what kind of guns were those that you had?

A — They were double guns, with the exception of this Ballard Rifle,

Q — What is usually called, double barrelled?

A— Yes Sir,

Q— What was the price?

A— They ranged from the Raked gun of that Lot, which I believe, was somewhere from twenty-five to ninety Dollars— the Gun & outfit, Di-vis a Remington— seventy five Dollar gun— & fixtures— Shell & holders complete,

Q— Some of them worth less than twenty five Dollars?

A— Yes Sir— it- may be appear—

Q— What- was the lowest-?

A— I dissent- keep any Common stock at all,

Q They have all five Clock?

A— No Sir— They are not all five Clock- They have all grade Clock——

Mr Cleveland— objected to the Course of Examination— as Irrevelant to the subject of Inquiry upon the Committee—— after discussion—— the Chairman overruled the objection, & you'll to Mr Moore to proceed——

Mr Moore— The Chairman I dont like to do it— The gentleman objects to it— I ask the Chairman——

—— Mr Cleveland withdrew his objection——

Mr Moore— I like asking questions,— Since it- is incompatible with the feelings of the gentleman from Grant,

Mr Cleveland— My objection was- that the Committee- as present- has nothing to do

with the Constitution of the Pumpelly Claim,

Mr Moore — If you are capable of discussing — as you are — you will see the bearing of the subject you are upon,

General principles was appealed to Mr Moore to proceed, which Mr Moore declined to do,

Mr Durham insisted on Mr Moore proceeding,

Mr Cleveland again withdrew his objection —

Mr Martin — I am anxious that Mr Trumpler should satisfy the gentleman upon the point —

Other members of the Committee expressed themselves — to the same effect,

The Witness — It is because I desire that the gentlemen's mind should be satisfied that I ask the privilege of making this remark — This claim is come upon — men appear on big things, and on Jumped up bills — Men that are not acquainted with the circumstances in connection with my business — and these arms — I am not only telling that the Legislature & the people of the State should thoroughly investigate my claim — but if they can find a flaw in it — where I am trying to defraud the State out of one dollar — I wish they should publish it — to the world — The closer the investigation, the stronger will it make for me — and I know it — Sir;

Mr Moore signified his willingness to proceed with inquiries, in case the Committee entertained any doubt of it —

Jurisdiction in the premises—

James M. Pomeroy— Called and Sworn— Testified in substance as follows—

J.M. Pomeroy

Chairman— You were present during the Brooks & Baxter war?

A— Yes Sir—

Q— Do you know of any portion of the goods for which pay is claimed by J.P. Thompson— ever having been returned to him?

A— I do not— & if they had I do not— should, from the nature of my duties— been pretty likely to have known something about it—

Q— Were you on the Staff?

A— After the first ten days— I was Chief of Staff to Maj Genl Rinton— who commanded all the forces— and I remained such, until the Resignation of Gen— Rinton— which was after the close of actual hostilities— And the Arms on Govt— loan returned to Mr Thompson— previous to that time— I was in a way to be likely to know something of it—

Q— Do you know any thing further in relation to any return of any of those Arms?

A— No Sir— only as I've said— and this is not proper matter to state as testimony— that Gen Dockery who was ordered— Commanded— but I believe left, or was to leave the City; as you Chairman— told me at the time I was Commanded— that he had had the greater part of the Thompson arms in his charge— or in use in his Command— & that he had returned some— & know of more being returned—

I mention this only for the convenience of the Committee — Revd Dr Cheny — not being within each of summons —

B B Beaves,

B B Beaves — called and Sworn,

The Chairman — Mr Secretary of State — you were here (as I know) during the Brooks & Baxter war?

Answer — Yes Sir —

Q After the close of that war — or during the time either, Do you know of any petition of the Citizens that Mr Pumpelly turned over to the State ever being returned to him?

Answer — I do not Sir,

Mr Cleveland — did you ever hear of any being returned — Doctor?

A — I think not Sir,

A colloquy here ensued — in reference to the summons of additional witnesses — It was concluded — that if Mr Moore remained unsatisfied as to the question of the return of arms to Mr Pumpelly — as charged — the investigation should be continued — with this understanding — The Committee adjourned to 9 O. clock, A. M. of Thursday Novemb 18th

Thursday November 18th 1875.

Committee met at 9. A. M.

The Chairman announced — that Mr Moore had expressed himself as satisfied —

upon the point under investigation. The Report of the Committee was accordingly prepared — & the Committee adjourned.

"

The Report of the Committee was adopted.

The hour of 11 — having arrived — the House took up the Special order of the day — being the Consideration of H.R. No 277 a Bill entitled — "An Act to provide for the payment of certain obligations of the State to J. H. Trumpler."

Mr Rice moved — that the bill be postponed, until the second Monday in January — 1877 —

— which was not agreed to —

The Bill was read a third time & place on its final passage —

The question being put — Shall the bill pass?

It was decided in the negative —

The roll was called — and the following named members voted in the Affirmative

Anderson (& Howard)	Durham
Barrett	Fulton
Boston	Gardner
Bragg	Gillis
Brooniger	Hill — (Jefferson)
Casey	Hoover
Cleveland	Jones
Clinch	Judkins
Coleman	Little
Collins	Martin
Copeland	Maxwell
Davis	Miller
Dodson (& Randolph)	Moore (Goodrum)

Patton + Polk	Runnels
Ruddle	Weir
Rumph	Wilcox
Russell	Williams
Saylor	Mr Speaker
Ward	

Those voting in the negative were —

Anderson (Craighead)	Kerr -
Avery	Love
Baird	McClelland
Baker -	McConnell
Bone	Morgan
Bostic	Moore (Craighead)
Burns	Moore (Union)
Cochran	Powell
Chaney	Putman
Dodson (Hewton)	Rice
Drake	Saddler
Dowell	Shinn
Gilpin	Slaughter
Gorden	Spahgler
Gullett	Trimble
Green	Venable
Hacadler	Wells (of Drew)
Hill (of Calhoun)	Witt
Humphrey	Wolf

Affirmative - 37 -
Negative - 38
Absent - and not voting 18
— 93 —

So the Bill was not passed —

Mr Jones Sent up the following explanation of his vote — Mr Speaker I vote for this bill - because the State owed not - yet - the Arms any where else and -

they were absolutely necessary for the defence of the State Laws— but now, Gentlemen of this State, and that they can no small figure— in that noble struggle for this glorious cause— It is just— Honorable— & right to pay such patriots this just claims,

Mr Taylor sent up the following explanation of his vote—

Mr. Speaker—

I vote— I because I believe justice demands— the Complyment should be paid— and my motto is— use once ever be to do right— I should I err— I believe I have an honest— conscientiousness— that will support me in an honest endeavor— to do that which is right— equitable & just, according to all the evidences before me,

The following explanations were then read—

Mr. Speaker

While I am sensible of the injustice of legislating any claims against the State— that lies on its face to show of equity— I am equally sensible of the ruinous policy of hopelessly involving the State in debt— I am apprised that there is thousands of dollars of claims against the State based on grounds equally just as this— one— We do not wish to discriminate between our Creditors,— We cannot possibly pay them all now— therefore; we feel constrained under the circumstances to vote— No—

Rice of Benton
Mills " Dent
Putnam
Green & Johnson
Powell " Green

Mr Gardner — give notice — that a Motion to reconsider the vote passed by which ~~H.R.~~ No 277 — was rejected — would be made on to morrow —

On Motion of Mr Wickliffe —

— the House adjourned —

J. M. Gwaltney
Clerk

A. A. Pennington
Speaker House Rep